



The State of New Hampshire
Department of Environmental Services



Robert R. Scott, Commissioner
January 11, 2018

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

RE: HB 1727, AN ACT relative to monitoring perfluorinated chemicals in public water supplies

Dear Chairman Christensen and Members of the Committee:

Thank you for the opportunity to comment on HB 1727. This bill would require testing at New Hampshire's 2,479 public water systems for all known perfluorinated compounds (PFCs) within 18 months of passage. Any system that detects a perfluorinated compound at or above the lowest standard set by any state would then need to retest every month until they are below the standard for six consecutive months. Once this occurs, the state then needs to sample this system every year until the result(s) is below the lowest state standard for 12 months. The Department of Environmental Services (NHDES) agrees with the need for testing and has recommended that public water systems test their water sources for (perfluorinated) poly-and perfluoroalkyl substances (PFAS). In addition, NHDES has performed significant sampling of private and public wells near potential sources of PFAS contamination. However, NHDES opposes this bill for the following reasons:

1. The bill text indicates that levels should meet the "lowest available state standard". If this is meant to mean the lowest standard in any state, NHDES opposes this change. NHDES does not agree that New Hampshire should enact a law that requires it to automatically comply with regulations established by any other state. New Hampshire already reviews and proposes drinking water and groundwater quality regulations based on the the best available peer reviewed science and evaluates drinking water quality standards and action levels recommended by other states. New Hampshire is one of only a handful of states that have adopted drinking water standards for two PFAS (PFOA and PFOS) and has authority to revise these standards and to adopt standards for additional PFAS if scientific evidence supports such actions.
2. The bill does not actually require that a water system mitigate contaminated water. Rather, the bill only requires increased testing if PFAS concentrations exceed standards adopted by any other state.
3. HB 1727 does not correlate with current sampling requirements under the State and Federal Safe Drinking Water Act for other synthetic organic compounds. This bill would

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have water systems, many of which have already been sampled for some PFAS, sample much more frequently than NHDES believes is warranted.

4. The sampling requirements in the bill have mechanical errors and references a requirement for six consecutive months of sampling by the water system, and annual testing by NHDES until the water system tests below the lowest available standard for 12 consecutive months. However, the bill does not require that sampling occur for 12 consecutive months. The bill also interchanges the term "community water system" with "public water system". A "community water system" supplies water to the same population year-round. A "public water system" includes community water systems and other water systems; such as, large work places, schools, restaurants and campgrounds where people do not remain for long periods of time.
5. The bill cannot be implemented as proposed. It requires water systems to be tested. Typically sources of water for a water system are tested and not the system itself, because many water systems have multiple sources of water that operate on a alternating on and off cycle. Additionally, the specific analytical testing options for PFAS are highly variable and complicated and the bill does not specify these or allow NHDES to develop rules to address these issues.

An alternative to the requirements of this bill would be to require public water systems to complete one round of PFAS testing on each of their active water sources in accordance with the requirements that NHDES would establish by rule, if such testing has not already been completed. While NHDES is not requesting the General Court to require this, such a requirement could be integrated into NHDES' existing public water system drinking water chemical monitoring compliance program without the need for additional state resources.

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