



The State of New Hampshire
Department of Environmental Services



Robert R. Scott, Commissioner

April 3, 2018

The Honorable Kevin Avard
Chair, Senate Energy and Natural Resources Committee
State House, Room 100
Concord, NH 03301

RE: HB 485, An Act relative to standards for emerging contaminants in drinking water

Dear Chair Avard and Members of the Committee:

Thank you for the opportunity to comment on HB 485, as amended and passed by the House, which seeks to establish new standards for air pollutant emissions which have the potential to harm water via deposition and establishes certain water quality standards. The New Hampshire Department of Environmental Services (NHDES) respectfully requests that this bill be retained in favor of HB 1101, which is also being heard in this committee today.

HB 485 was retained during the 2017 session, and taken up and amended last fall, adding air emissions language from HB 463 which had passed the House, but was subsequently not agreed to in a committee of conference. During the House Finance Committee hearings, NHDES requested some air emissions language amendments to narrow the scope to specific PFC compounds while adding their precursor compounds. Although Division 1 Finance Chair Ober expressed support for such an amendment, the committee was not able to consider such amendments based on procedural concerns relative to the time limit for concluding the legislation in the 2017 session. NHDES has also concluded that it should soon be possible to set standards (ambient groundwater quality standards and maximum contaminant levels) for two additional specific PFCs found in New Hampshire's water at a number of locations in the state.

HB 1101 was intended to account for the most up to date scientific information relative to PFC contamination and provide appropriate direction to the department. This bill directs NHDES to set or reevaluate these standards. NHDES has worked closely with sponsors to ensure that HB 1101 provides all appropriate protections, based on the current state of PFC health risk science. HB 1101 also has broader stakeholder support than HB 485 based on these recent changes.

For these reasons NHDES supports HB 1101 and requests that HB 485 be retained. We have provided more detailed testimony on HB 1101 in a separate letter.

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NHDES notes certain sections of this bill currently duplicate language in HB 1101 and SB 309. Should the committee determine for some reason that passage of HB 485 is appropriate, these bills may eventually have to be reconciled. Also, in the event of passage of HB 485, the effective date of HB 1101 should be after that of HB 485 to avoid having the two bills amend the same RSA in different ways.

Thank you again for the opportunity to comment on HB 1101. If you have any questions or require further information, please contact Michael Fitzgerald, Assistant Director, Air Resources Division (michael.fitzgerald@des.nh.gov, 271-6390) or Sarah Pillsbury, Administrator, Drinking Water and Groundwater Bureau (sarah.pillsbury@des.nh.gov, 271-1168).

Sincerely,



Robert R. Scott
Commissioner

cc: Sponsors of HB 485: Representatives Messmer, Bean, Malloy, T. Le, Cushing, Berrien, P. Gordon, H. Marsh; Senators Bradley, Feltes, Fuller Clark, Innis, Soucy