



The State of New Hampshire
Department of Environmental Services



Robert R. Scott, Commissioner

March 20, 2018

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

RE: SB 240, *AN ACT* relative to the monitoring and treatment of contaminated wells

Dear Chairman Christensen and Members of the Committee:

Thank you for the opportunity to comment on SB 240. This bill would require the New Hampshire Department of Environmental Services (NHDES) to investigate detections of manmade contaminants at any concentration in non-public drinking water wells, determine concentration trends and the source of the contamination, and require certain response actions for responsible parties. NHDES opposes the bill due to concerns about unanticipated consequences.

SB 240, as amended by the Senate, would require NHDES to investigate every instance when a man-made contaminant is detected in a private drinking water supply well even if the concentration detected is significantly below the ambient groundwater quality standard (AGQS). The bill requires NHDES to sample multiple times to assess concentration trends and to identify the sources of the contamination if possible. If NHDES identifies a responsible party and determines that further monitoring is warranted, the responsible party would be required to sample the drinking water at a frequency determined by NHDES. The responsible party would also have to provide treatment or an alternate water supply if it is determined that monitoring trends or other available information reasonably suggest that the concentration of the contaminant in the well is likely to exceed the AGQS. While NHDES supports the intent of the bill, namely to ensure that drinking water does not exceed health based standards, the bill as written will needlessly disrupt established programs and procedures that accomplish this goal; drive up costs for individuals, businesses and government; and direct scarce resources away from addressing critical groundwater contamination problems.

Under current law, NHDES administers a program for investigating potential sources of contamination and ensuring that drinking water wells contaminated with regulated contaminants above established health standards are addressed either by treatment or

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provision of an alternate source of drinking water. This bill would require NHDES to implement these procedures whenever a contaminant is detected at any concentration in a non-public drinking water well. Given that environmental laboratories now achieve extremely low detection limits for drinking water contaminants, the bill would direct the department to spend very limited resources to monitor potentially thousands of private wells that have detectable concentrations of man-made contaminants that do not represent a health threat, to the exclusion of more important work, where actual health threats are present. NHDES also estimates that private businesses; state, local and county governments; and private homeowners will experience increased burdens and costs to comply with these requirements, since it is common to detect very low concentrations of contaminants in wells located near septic systems and municipal and commercial activities. The bill would likely require private well owners with very low detections of contaminants associated with common household products used on their own property to bear the expense of performing ongoing monitoring.

In summary we believe this bill does little to improve upon New Hampshire's existing laws and programs that protect people from drinking unhealthy levels of contaminants in drinking water. The bill will drive up costs for all, and will divert already limited resources from critically important health protection work to activities that provide no significant risk reduction.

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) or Mike Wimsatt, Waste Management Division Director (michael.wimsatt@des.nh.gov or 271-1997).

Sincerely,



Robert R. Scott
Commissioner

cc: Senators Innis, Bradley, Fuller Clark, Gannon,
Representatives Messmer, Cushing, Malloy, H. Marsh, Bean