



The State of New Hampshire
Department of Environmental Services



Robert R. Scott, Commissioner

February 12, 2019

The Honorable Jeffrey Goley
Chair, House Executive Departments and Administration Committee
Legislative Office Building, Room 306
Concord, NH 03301

RE: HB 667, relative to testing wells before issuing a certificate of occupancy

Dear Chair Goley and Members of the Committee:

Thank you for the opportunity to testify on HB 667. This bill would require that water supplies meet certain minimum health-based standards in new construction served by on-site wells. The New Hampshire Department of Environmental Services (NHDES) supports this bill with reservations, which are outlined in this letter.

Nearly half of New Hampshire residents are served by private wells at home. While NHDES regulates the safety of the water provided to homes by community water systems, there are no statewide requirements that ensure the safety of water from private wells. In light of the prevalence of unsafe levels of contaminants in private wells – most often naturally occurring contaminants such as arsenic – the use of untested, untreated well water is a significant public health concern in New Hampshire. This bill would begin to address that concern by requiring – where the requirement for a certificate of occupancy is implemented – testing, and treatment if needed, to ensure that water supplies in new construction served by unregulated private wells are safe.

As noted above, contaminants – especially naturally occurring ones – are common in well water in New Hampshire. One in five private well samples that comes into the State Public Health Laboratory tests positive for bacteria. One in five has arsenic that is over the 10 parts-per-billion (ppb) limit that currently applies to public water systems. NHDES recently completed a review of the drinking water standard for arsenic and recommended that it be brought down to 5 ppb. NHDES estimates that 30 percent of the bedrock wells in the state have that level of arsenic or more. Studies conducted in New Hampshire have linked arsenic in private wells to higher rates of adverse birth outcomes, infections in infants, and gestational diabetes in mothers. A large body of research has also linked levels of arsenic that are common in New Hampshire with higher rates of bladder, lung, and skin cancer, as well as cardiovascular disease and lower childhood IQ. This bill would be a significant step toward reducing those health risks and, therefore, the department supports the bill.

The bill as introduced does have some technical issues, as noted above. These include:

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- The testing requirement should only apply to buildings not served by community water systems as defined in RSA 485:1-a.
- The sampling point(s) should be specified – preferably a tap in each kitchen covered by the Certificate of Occupancy.
- NHDES suggests changing “accredited laboratory” to “laboratory accredited by the department of environmental services under RSA 485:44.”
- NHDES suggests replacing “water quality standards in rules adopted by DES” with “primary drinking water standards adopted by the department of environmental services under RSA 485:3.”
- NHDES suggests that the bill specify which contaminants would be included. NHDES suggests the following contaminants, based on how common they are in private well water in New Hampshire and their health implications: arsenic, bacteria, copper, fluoride, lead, nitrate, nitrite, and uranium. Municipalities might want to add to this list based on what is commonly occurring in their area.
- The bill does not include a mechanism to ensure that the sample was taken at the subject location.
- We would suggest that the bill specify that the water treatment system or systems must serve at least one kitchen tap in each dwelling unit.

NHDES would be happy to work with the bill’s sponsors and with the Committee to address these issues. If the bill is enacted, NHDES would likely work with the Fire Marshal’s Office and the New Hampshire Building Officials Association to prepare materials and provide training to local building officials related to implementing the bill’s provisions.

Thank you again for the opportunity to comment on HB 667. Should you have further questions or need additional information, please feel free to contact either Paul Susca, Supervisor of Planning, Protection and Assistance in the Drinking Water and Groundwater Bureau (paul.susca@des.nh.gov, 271-7061) or Sarah Pillsbury, Administrator of the Drinking Water and Groundwater Bureau, (sarah.pillsbury@des.nh.gov, 271-1168).

Sincerely,



Robert R. Scott
Commissioner

cc: Sponsors of HB 667: Representatives Stack, W. Thomas, and Murphy; Senator Chandley
John Barthelmes, Commissioner, N.H. Department of Safety