



The State of New Hampshire
Department of Environmental Services



Robert R. Scott, Commissioner

January 25, 2022

The Honorable Edward Gordon
Chairman, House Judiciary Committee
Legislative Office Building, Room 208
Concord, NH 03301

RE: HB 1205: AN ACT allowing the department of environmental services to have access to enhanced 911 information.

Dear Chairman Gordon and Members of the Committee:

Thank you for the opportunity to comment on HB 1205, which proposes to update the language in RSA 106:14 that enables the Department of Environmental Services (DES) to identify the location of and maintain records of drinking water supply wells by using the e911 address data set maintained by the Department of Safety (DOS). DES supports the amendments proposed in HB 1205 and requests that the following additional amendments (shown in underlined text below) be considered and incorporated into HB 1205 to enable DES to also use the e911 data set to maintain a lead service line inventory to administer the provisions for the recently enacted Federal Lead and Copper Rule Revisions (LCRR):

Line 14 ~~(H.)~~ **(b)** To the department of environmental services ~~[solely]~~ for the purpose of estimating the location of wells subject to RSA 482-B and to create and maintain an inventory of drinking water sampling sites and the materials used for water system service lines which are needed in order to comply with Federal Safe Drinking Water Act.

RSA 106:H-14 was amended in 2006 because of the work of the Legislature's Commission to Study Issues Relative to Groundwater Withdrawals and with the critical assistance of DOS. The Commission, with membership from a broad cross-section of stakeholders, was established by Senate Bill 155 of the 2003 legislative session to assess how New Hampshire can improve the management of groundwater resources. One conclusion was that the state should improve its record-keeping pertaining to the identification and location of wells. Specifically, the Commission found that it was important for: 1) members of the public to be able to match DES records of wells with wells on their properties; and 2) DES to be able to identify where private wells are located throughout New Hampshire to respond to contamination events and ensure impacts to existing private wells are assessed and addressed when DES is considering applications for new groundwater withdrawals.

The amendments made to RSA 106:H-14 in 2006 enables DES to access very limited information (street address and longitude and latitude) from New Hampshire's e-911 dataset for the sole purpose of locating wells. The information provided by the DOS to DES does not include any personal identification information. DES matches the e-911 addresses with addresses provided on well records filed by water

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well contractors to develop a statewide inventory of private wells. DES also can estimate where private wells are located by identifying properties with addresses that are not located near a mapped public water system.

The Legislature's actions in 2006 have substantially improved public health protection in New Hampshire. DES has been systematically identifying and sampling drinking water from thousands of private wells throughout New Hampshire to identify and eliminate exposure to widespread PFAS contamination. This work would be substantially less efficient and effective without the well location information that has been enabled by the e911 data.

Since the amendments to RSA 106:H-14 in 2006, there has been increased scrutiny on the occurrence of lead in drinking water. There is no safe level of exposure to lead and the ingestion of elevated levels of lead via drinking water or other exposure pathways have been shown to have adverse effects on both children and adults. The United States Environmental Protection Agency (USEPA) has recently adopted the federal LCRR that will require approximately 1,200 water systems serving approximately 600,000 people in New Hampshire to create an inventory that identifies the material of the service line that provides water to each structure served by the water system in order to identify where lead may exist in the service lines. The inventories must be completed by October of 2024. Per USEPA's rule, water systems will use the inventories to create: 1) a lead service line replacement plan; and 2) water system distribution sampling plan for lead that targets areas of the water system most susceptible to lead contamination. DES is responsible for administering the requirements of USEPA's LCRR. The recent Infrastructure Bill has appropriated \$30M per year for five years (\$150M total) to New Hampshire beginning in federal fiscal year 2022 to replace lead service lines. Amending RSA 106:H-14 to allow DES to use the e-911 address, longitude and latitude will streamline its administration of the new federal LCRR and better protect our citizens by providing a comprehensive set of geo-located mapped addresses with consistent naming conventions.

Should you have any questions or require more information, please contact Brandon Kernen, Administrator of the Drinking Water and Groundwater Bureau at 603-271-1168 or Brandon.Kernen@des.nh.gov.

Sincerely,



Robert R. Scott
Commissioner

ec: Sponsors of HB 1205: Representatives Potucek, Pearson, Abrami, Guthrie, Silber, Stapleton and Harley