



The State of New Hampshire
Department of Environmental Services



Robert R. Scott, Commissioner

March 26, 2021

The Honorable Kevin Avar
Chairman, Senate Energy & Natural Resources Committee
State House, Room 103
Concord, NH 03301

RE: HB 256, An Act adding members from Londonderry to the commission to investigate and analyze the environmental and public health impacts relating to releases of perfluorinated chemicals into the air, soil, and groundwater in Merrimack, Bedford, and Litchfield

Dear Chairman Avar and Members of the Committee:

Thank you for the opportunity to testify on HB 256. This bill would add two representatives from Londonderry to the commission established in 2019 by HB 737 to investigate the environmental and public health impacts of past releases of per- and polyfluoroalkyl substances (PFAS) in the subject towns. It is also our understanding that the bill sponsor will propose an amendment to the bill to extend the deadline established under RSA 154:8-b., VII. for instituting a take-back program for legacy firefighting foams containing PFAS from July 1, 2021 to July 1, 2023. The Department of Environmental Services (NHDES) supports this bill and the proposed amendment.

During the 2019 legislative session, HB 737 was introduced to establish a commission to investigate the impacts of past releases of PFAS in Merrimack, Bedford, and Litchfield. At the time, these three towns were perceived to be those most severely impacted by groundwater contamination with PFAS. While impacts were known to also exist in Londonderry, the full extent of those impacts was not yet known. Since passage of the bill, considerable additional information relative to the significant impacts on private drinking water wells in Londonderry has been collected. Accordingly, NHDES believes it is most appropriate to add representatives from Londonderry to the commission, and afford them the opportunity for full participation.

NHDES also supports extending the deadline established under RSA 154:8-b., VII. for instituting a take-back program for legacy firefighting foams containing PFAS (AFFF) from July 1, 2021 to July 1, 2023, based on the current inability to identify appropriate disposal facilities for AFFF. Currently, thermal destruction ("incineration") is the preferred and best available control technology for AFFF disposal. However, regulatory, technical, and industry uncertainties relative to AFFF disposal persist across the country. As a result of these uncertainties, very few approved treatment, storage and disposal facilities are available to handle legacy AFFF, and NHDES has been unable to identify an acceptable facility.

In late August 2020, the United States Environmental Protection Agency (USEPA) announced a partnership with the Department of Defense and state and local partners to identify innovative

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ways to destroy PFAS in AFFF. NHDES believes that extending the deadline to 2023 would allow for time necessary for EPA and others to resolve technical and regulatory issues, and identify suitable facilities to accept legacy AFFF for disposal. Once the disposal options are known, NHDES will be in a position to finalize a plan, estimate disposal costs, and institute an AFFF takeback program.

Thank you again for the opportunity to provide testimony in support of HB 256. Should you have further questions or need additional information, please feel free to contact either Amy Doherty, Hazardous Waste Remediation Bureau (amy.t.doherty@des.nh.gov; 271-6542) or Michael Wimsatt, Waste Management Division Director (michael.wimsatt@des.nh.gov, 271-1997).

Sincerely,

A handwritten signature in black ink, appearing to read "Robert R. Scott", with a stylized flourish at the end.

Robert R. Scott
Commissioner

cc: Sponsors of HB 256: Representatives Rung, Thomas, Mullen, Mooney, Healey