

**New Hampshire Department of Environmental Services**

**Rebate Program for Removal of PFAS in Private Wells**

**Revised Final Funding Proposal**

**For submission to the N.H. Drinking Water and Groundwater Advisory Commission**

Rev. 1 Prepared by NHDES MtBE Remediation Bureau – **May 4, 2022**

**Purpose:**

To protect public health by reducing exposure to per- and polyfluoroalkyl substances (PFAS) in drinking water from affected private wells statewide where there has been no offer of alternate water from a third party.

**Overview/Background:**

As required by state law enacted in 2018, the New Hampshire Department of Environmental Services (NHDES) implemented new Ambient Groundwater Quality Standards (AGQS) for four PFAS in September 2019 that are designed to protect the most sensitive human populations from drinking water exposure to PFAS. The current AGQS for PFAS are: 12 parts-per-trillion (ppt) for perfluorooctanoic acid (PFOA), 15 ppt for perfluorooctane sulfonic acid (PFOS), 18 ppt for perfluorohexane sulfonic acid (PFHxS), and 11 ppt for perfluorononanoic acid (PFNA).

As of the date of this request, NHDES has tested over 9,000 residential (private) water supply wells across the state for PFAS and has identified over 3,500 wells that exceed one or more of the new AGQS. While there are provisions in state rules for parties that are responsible for contamination of groundwater to remedy water supply wells that violate AGQS, not all PFAS contamination found in the state has been attributed, either technically or legally, to a responsible party. In instances where there is no identified responsible party for a contaminated water supply well, the burden of providing safe drinking water resides with the well owner. Third parties have addressed over 1,000 of the 3,500+ wells that exceed AGQS for PFAS by providing alternate water, either temporarily or permanently, in accordance with state rules; however, as many as 2,000 wells remain that are not currently being provided alternate water from a third party.

**Eligibility:**

The NHDES will provide a one-time rebate of up to \$5,000 per residential unit to assist eligible private residential well users in the purchase and installation of a treatment system designed to remove PFAS or up to \$10,000 per residential unit to connect to an existing public water system. Eligible treatment systems may also be designed to remove other contaminants in addition to PFAS. Eligible applicants include:

- Owners of single or multiple-unit residential properties serviced by private well(s) having a PFAS exceedance with no offer of an alternate water source from a third party. Eligible PFAS exceedances include exceedance of one or more NHDES AGQS and exceedances of any Maximum Contaminant Levels that may be established by USEPA for PFAS.

- Tenants and occupants of residential property serviced by private well(s) with a PFAS exceedance with no offer of an alternate water source from third party where the owner of the property has not applied for the rebate for the same property.
- Vendors and subcontractors may apply on behalf of an eligible applicant with an appropriate waiver of claims between the two parties.

It is recognized that the installation of a treatment system requires ongoing operations and maintenance (O&M) for effective contaminant removal. The intent of this program is to provide assistance for the initial installation and does not include rebate funding for the O&M of the treatment system. It is the responsibility of the applicant or the applicant's client to maintain their chosen treatment system once installed.

**Process and Administration:**

1. NHDES will announce the program via press release, educate treatment vendors about the program, and solicit rebate applications from eligible applicants based on known exceedances.
2. The applicant will submit the rebate application to the NHDES for review with the following documentation:
  - a. Certification that the applicant is not receiving alternate water from a third party
  - b. Certification that the installation complied with applicable state and local plumbing regulations and local permitting requirements
  - c. Analytical lab results showing an exceedance of one or more of the PFAS AGQS
  - d. Photo documentation of the installation
  - e. Filter model and serial number and/or specification sheets for media and equipment installed
  - f. Post-treatment analytical lab result showing PFAS below the AGQS
  - g. Proof of ownership or residency
  - h. Final paid invoice or final invoice from vendor/subcontractor, as applicable
  - i. Waiver of claims, if applicable
3. NHDES will review applications and issue rebates up to \$5,000/\$10,000 upon confirmation of the above documentation on a first come, first served basis.
4. No match will be required from the applicant.

**Waivers:**

The NHDES, in its discretion, may waive any of these provisions if granting the waiver will result in circumstances that better fulfill the purpose and intent of the initiative described above or if strict adherence to the provision being waived would not be in the best interest of the public, the environment, or the NHDES.

**Timeframe:**

Upon approval by the Commission, the NHDES will initiate development of the rebate program and conduct the necessary outreach. Given that many property owners with a PFAS exceedance may have already taken action by installing a treatment system and this purchase pre-dates establishment of the proposed rebate program, the program will operate retroactively to eligible costs incurred on or after September 30, 2019.

**Estimated Costs for Rebate Program Funding:**

The NHDES was approved for \$5 million in grant funding from the Drinking Water and Groundwater Trust Fund on January 10, 2022. At \$5,000 per rebate, approximately 900 households could be provided assistance.

In order to implement and administer the program, NHDES would require additional staff. NHDES would utilize up to 10% of the grant to fund one temporary full-time position for 2 to 3 years plus overhead to develop the program, perform education and outreach to vendors and the public, review applications, administer rebates, and develop and maintain a tracking system for treatment installs. The NHDES MtBE Remediation Bureau would absorb personnel costs for the continued administration of the funds beyond the 10%, if still needed.

NHDES is not requesting additional funding from the Trust Fund beyond the previously approved \$5 million. NHDES is exploring funding opportunities from other sources to support any additional program costs.