



The State of New Hampshire
Department of Environmental Services



Robert R. Scott, Commissioner

April 27, 2021

The Honorable Andrew Renzullo
Chairman, House Resources, Recreation and Development Committee
Legislative Office Building, Room 305
Concord, NH 03301

**RE: SB 146, An Act Adopting Omnibus Legislation Relative to the Environment
Amendment 2021-1098h: Part VII Extending the deadline for the PFAS firefighting
foam take-back program**

Dear Chairman Renzullo and Members of the Committee:

Thank you for the opportunity to testify on proposed amendment 2021-1098h to SB 146. This amendment would extend the deadline established under RSA 154:8-b., VII. for instituting a take-back program for legacy firefighting foams containing per- and polyfluoroalkyl substances (PFAS) from July 1, 2021 to July 1, 2023.

The Department of Environmental Services (NHDES) supports the proposed amendment based on the current inability to identify appropriate disposal facilities for legacy firefighting foams containing PFAS (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 AFFF, and NHDES has been unable to identify an acceptable facility.

In late August 2020, the United States Environmental Protection Agency (EPA) announced a partnership with the Department of Defense and state and local partners to identify innovative 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 Amendment 2021-1098h to SB 146. 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,

Robert R. Scott, Commissioner

cc: Sponsor of SB 146: Senator Watters; Sponsor of Amendment 2021-1098h: Representative Smith