

Senate Energy and Natural Resources Committee

Griffin Roberge 271-3042

Amendment 2021-1218s, relative to the PFAS fund and programs, to **HB 235**, addressing impacts to other water users from new sources of water for community water systems.

Hearing Date: May 3, 2021.

Time Opened: 1:17 p.m.

Time Closed: 1:26 p.m.

Members of the Committee Present: Senators Avard, Gray, Watters and Perkins Kwoka.

Members of the Committee Absent: Senator Giuda.

Bill Analysis: This bill requires the department of environmental services to adopt rules concerning small groundwater withdrawals from new sources of water.

Sponsors:

Sen. Watters

Sen. Morse

Who supports the amendment: Natch Greyes, NH Municipal Association; Michael Wimsatt, NH Department of Environmental Services.

Who opposes the amendment: None.

Who is neutral on the amendment: None.

Summary of testimony presented in support:

Senator David Watters

NH Senate District 4

- Amendment 2021-1218s seeks to address technical issues raised by the NH Department of Environmental Services (NHDES) regarding the PFAS Remediation Loan Fund (Fund) under RSAs 485-F and 485-H. The Fund was established in SB 496-FN (2020), but was later included in HB 1264 (2020). The Fund was meant to help municipalities bear the cost of PFAS remediation and complying with the state's new maximum contaminant limits for PFOA, PFOS, PFHxS, and PFNA. The bill also detailed a process by which any potential settlement funds from NH's lawsuits against PFAS manufacturers would be deposited.
- A key part of amendment 2021-1218s seeks to clarify legislative intent behind HB 1264. All along, legislators felt there should be a mechanism for municipalities to help private wells either through the NH Drinking Water and Groundwater Trust Fund or through any lawsuit settlement funds. Amendment 2021-1218s makes clear that municipalities can apply to the Fund if there are private drinking water wells within the municipality that have been impacted by PFAS.

Michael Wimsatt - provided written testimony

Waste Management Division Director, NHDES

- Amendment 2021-1218s would repeal and re-enact RSA 485-H:3 to make municipalities eligible for the low interest loan program that is currently available to community water systems impacted by PFAS contamination. The amendment also makes other clarifications to RSA 485-F and 485-H.

- NHDES requested and supports amendment 2021-1218s because it provides vital assistance to municipalities that are struggling to address PFAS contamination in private drinking water wells in their communities, and will clarify the administration of the PFAS Remediation Loan Fund. The Fund was established by the legislature during the 2020 session in order to provide low interest financing to community water systems. This amendment will also make municipalities that do not currently operate water systems eligible to obtain financing in order to address PFAS contamination in their communities.

Natch Greyes

Municipal Services Counsel, NH Municipal Association

- Reiterated Mr. Wimsatt and Senator Watters' testimony in support of amendment 2021-1218s.

Summary of testimony presented in opposition: None.

Neutral Information Presented:

Representative Andrew Renzullo

Hillsborough - District 37

- Serves as the chair of the House Resources, Recreation, and Development Committee. He asked if amendment 2021-1218s would allow private well owners to apply directly to the Fund or if municipalities would apply on their behalf. He knew some House Representatives would ask that question when HB 235 returned to the House for its concurrence.
 - o Senator Watters said the original program did not explicitly provide for that option. The program covered municipal water treatment systems and community water treatment systems, but there had been an understanding that the NH Drinking Water and Groundwater Trust Fund had some flexibility to allow private well owners to come forward. If one well is impacted by PFAS, then several are likely to be impacted. Amendment 2021-1218s will help those municipalities that do not own and operate their own water systems to seek Fund assistance to help those well owners. It is more powerful for the municipalities to come forward and seek those funds for those well owners. The Fund also has loan forgiveness and loan payback provisions if NH should receive a legal settlement.

GJR

Date Hearing Report completed: May 3, 2021.