

CHAPTER 299
HB 1185 - FINAL VERSION

10Mar2022... 0583h
05/05/2022 1916s

2022 SESSION

22-2421
08/11

HOUSE BILL

1185

AN ACT relative to treatment of water contaminated with perfluorinated chemicals.

SPONSORS: Rep. Rung, Hills. 21; Rep. Chretien, Hills. 42; Rep. Cohen, Hills. 28; Rep. Healey, Hills. 21; Rep. Mooney, Hills. 21; Rep. Meuse, Rock. 29; Rep. Weston, Graf. 8; Rep. B. Boyd, Hills. 21

COMMITTEE: Resources, Recreation and Development

ANALYSIS

This bill enables wastewater treatment plants to require providers of discharge to test such discharge for PFAS.

Explanation: Matter added to current law appears in ***bold italics***.
Matter removed from current law appears [~~in brackets and struck through.~~]
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

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STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Two

AN ACT relative to treatment of water contaminated with perfluorinated chemicals.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 299:1 Statement of Findings and Purpose. The general court hereby finds that:

2 I. Perfluorinated chemicals (PFAS) are widely used, long lasting chemicals, components of which
3 break down very slowly over time.

4 II. Because of their widespread use and their persistence in the environment, many PFAS are
5 found in the blood of people and animals all over the world and are present at low levels in a variety of
6 food products and in the environment.

7 III. Scientific studies have shown that exposure to some PFAS in the environment may be linked
8 to harmful health effects in humans and animals.

9 IV. The state of New Hampshire has regulated the amount of PFAS that may be present in
10 drinking water.

11 V. Identification of the source of PFAS is critical to prevent continued exposure by New
12 Hampshire's citizens.

13 VI. It is unknown how many and which industrial and commercial processes use PFAS.

14 VII. Enhancing the knowledge of where PFAS enters the water cycle will enable New Hampshire
15 to prevent future and continued exposure.

16 VIII. It is necessary to statutorily clarify that wastewater treatment plants have the authority to
17 require producers of discharge to their plants to sample for PFAS.

18 299:2 New Section; Wastewater Treatment Plant; PFAS Testing. Amend RSA 485-A by inserting
19 after section 5-d the following new section:

20 485-A:5-e Wastewater Treatment Plant; Perfluorinated Chemical (PFAS) Testing.

21 I. A wastewater treatment plant may require any industrial or commercial facilities or septic
22 haulers of industrial or commercial waste contributing discharge to its plant to test such discharge to
23 determine the level of PFAS in the discharge. A wastewater treatment plant that makes this requirement
24 shall notify any industrial or commercial facilities or septic haulers of industrial or commercial waste
25 contributing discharge to its plant in writing of such testing requirements including:

26 (a) Identification of potential sources of PFAS using safety data sheets or other specification
27 sheets.

28 (b) Sample test result of the discharge measuring levels of PFAS in the discharge provided to
29 the wastewater treatment plant.

30 (c) Submission of an annual report to the municipality in which the wastewater treatment
31 plant containing a list of the test results.

CHAPTER 299
HB 1185 - FINAL VERSION
- Page 2 -

1 II. An industrial or commercial facility or septic hauler of industrial or commercial waste that
2 receives a notification from a wastewater treatment plant under paragraph I shall have 90 days from the
3 receipt of such notification to comply with the testing requirements.

4 III. A wastewater treatment plant may refuse discharge from an industrial or commercial facility or
5 septic hauler of industrial or commercial waste that has reported a level of PFAS in its discharge above
6 the level the wastewater treatment plant determines to be acceptable.

7 IV. In accordance with RSA 485-A:5-b, each municipality shall enter into an agreement to assure
8 access to an approved septage facility for the disposal of domestic septage. Such agreements shall
9 ensure that domestic septage has an outlet approved by the municipality. Municipalities may enter into
10 agreements with other municipalities to assure access to an approved septage facility if such
11 municipalities do not have a wastewater treatment facility.

12 V. Wastewater treatment facilities may collect samples for PFAS analysis from septage loads
13 originating from residential sources. Non-residential septage loads from commercial or industrial sources
14 shall have prior approval by the municipality before discharging to a wastewater treatment facility.

299:3 Effective Date. This act shall take effect upon its passage.

Approved: July 01, 2022
Effective Date: July 01, 2022