

Amendment to HB 1547-FN

1 Amend the title of the bill by replacing it with the following:

2
3 AN ACT relative to per fluorinated chemical remediation in soil and procedures for certain
4 hazardous waste generators.
5

6 Amend the bill by replacing all after the enacting clause with the following:

7
8 1 New Section; PFAS; Soil Remediation Standards. Amend RSA 485-H by inserting after
9 section 12 the following new section:

10 485-H:13 PFAS Rulemaking and Soil Remediation Standards. By November 1, 2023, the
11 commissioner shall initiate rulemaking in accordance with RSA 541-A to adopt rules specific to the
12 application of RSA 485, RSA 485-C, RSA 147-A, and RSA 147-B to PFAS contamination and may
13 update such rules thereafter. Such rules shall include soil remediation standards for
14 perfluorooctanoic acid (PFOA), perfluorooctanesulfonic acid (PFOS), perfluorononanoic acid (PFNA),
15 and perfluorohexanesulfonic acid (PFHxS). Such rules may include a requirement for testing for
16 PFAS other than those for which the state currently has an AGQS.

17 2 Rulemaking; Soil Remediation. Amend RSA 485-C:4, VIII to read as follows:

18 VIII. Criteria and procedures for the investigation, management, and remediation of
19 contaminated groundwater. ~~[including]~~ **Such rules shall include:**

20 (a) The creation of regulated zones of contaminated groundwater and the issuance of
21 permits or similar procedures for the remediation of such zones.

22 (b) **The establishment of soil remediation standards for protection of**
23 **groundwater quality and human health.**

24 (c) **With respect to contamination in excess of an AGQS, a requirement that a**
25 **person who is liable for or has otherwise caused or contributed to such contamination**
26 **provide safe alternate water to any impacted well owner.**

27 3 Hazardous Waste; Self-Certification. Amend RSA 147-A:3, XXVII to read as follows:

28 XXVII. Procedures and criteria for administration of a ~~[small-quantity]~~ hazardous waste
29 generator self-certification program and associated fees pursuant to RSA 147-A:5, IV.

30 4 Terms and Conditions of Operator Permits. Amend the section heading of RSA 147-A:5 to
31 read as follows:

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1 147-A:5 Terms and Conditions of Operator Permits; Facility Personnel; Certified Hazardous
2 Waste Coordinator Program; ~~[Small-Quantity]~~ Hazardous Waste Generator Self-Certification
3 Program.

4 5 Certified Hazardous Waste Coordinator Program. Amend RSA 147-A:5, IV to read as follows:

5 IV.(a) Each hazardous waste generator that generates less than 220 pounds (100 kilograms)
6 of hazardous waste per month shall submit to the department, every 3 years, a self-certification
7 declaration stating that the facility is in compliance with the ~~[small-quantity]~~ **applicable** hazardous
8 waste generator rules. The declaration shall be on a form provided by the department.

9 (b) Each ~~[small-quantity]~~ hazardous waste generator **that generates less than 220**
10 **pounds/100 kilograms of hazardous waste per month** shall pay non-refundable fees at a rate of
11 \$60 per year for the period of January 1, 2004 to June 30, 2007, and at a rate of \$90 per year
12 beginning July 1, 2007, to cover department expenses for conducting the self-certification program
13 and hiring of program staff. Total fees due for each year shall be submitted with the self-
14 certification declaration form required under subparagraph (a).

15 (c) If the self-certification fee is not paid within 60 days of the due date, interest shall be
16 assessed at a rate established by the commissioner, and shall be deposited into the cleanup fund.
17 The commissioner may waive all or any portion of interest for good cause.

18 (d) Political subdivisions of the state shall be exempt from the fee for submitting a self-
19 certification declaration.

20 (e) ~~[Small-quantity]~~ Hazardous waste generators that are participants in a department-
21 developed multi-media compliance assurance program referred to as an environmental results
22 program, or ERP, shall be exempt from this paragraph.

23 6 Initial Notification Fee. Amend RSA 147-A:6-a, III to read as follows:

24 III. ~~[Small-quantity]~~ Hazardous waste generators **that generate less than 220**
25 **pounds/100 kilograms of hazardous waste per month and** that are participants in a
26 department-developed multi-media compliance assurance program referred to as an environmental
27 results program, or ERP, shall be exempt from this notification fee.

28 7 Purposes and Use of Hazardous Waste Cleanup Fund. Amend RSA 147-B:6, I-g to read as
29 follows:

30 I-g. Fees collected pursuant to RSA 147-A:5, IV (c) and RSA 147-A:6-a shall be deposited in
31 the hazardous waste cleanup fund established in RSA 147-B:3 and shall be accounted for separately
32 and used to manage the ~~[small-quantity]~~ hazardous waste generator self-certification program,
33 provide technical training and assistance to hazardous waste generators, hire personnel, and pay
34 administrative costs.

35 8 Effective Date. This act shall take effect upon its passage.

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2022-0249h

AMENDED ANALYSIS

This bill requires the commissioner of the department of environmental services to adopt rules relative to perfluorinated chemical remediation in the soil.

This bill clarifies language describing certification requirements for certain hazardous waste generators.