

HB 495 Seacoast Drinking Water Commission Working Group Minutes, 10 June

Commission members present: Representative Mike Edgar, Representative David Meuse, Brandon Kernen, Pat Bickford, Art Ditto, Anne Lightbody, Joe Ayotte, Carl McMorrان, Mark Connors (for David Moore), Al Pratt (on video for Brian Goetz), and Pat Bushway

The working group was called to order at 2PM by Vice Chair Edgar. As a quorum was not present in the room, the minutes of the May meeting were not voted on.

Brandon Kernen, DES, provided an update on the interim lifetime health advisory for PFAS exposure which is likely to be released in the near future. The advisory is likely to include guidance that calls for PFAS levels which will cause no harm. However, the maximum contaminant level (MCL) is not likely to be set at the level of causing no harm because the cost of achieving that is prohibitive. There will be a draft MCL in October 2022 and a final MCL in October 2023. Mr. Kernen went on to say that under the Ground Water Protection Act, rules put into place must be as stringent as the advisory for ground water and the Ambient Groundwater Quality Standards. Sampling currently is done mainly in the southern part of the state, and that PFAS sampling will be included in seacoast sampling when funds are available.

Representative Meuse reviewed his update of legislation relevant to water and provided the status now that the legislative session is complete. 20 bills relevant to water were identified initially and 6 have made it to the governor for signature. Representative Meuse specifically spoke to the following bills:

SB 233: This bill requires newly constructed public schools and public schools undergoing substantial renovations to incorporate water bottle filling stations to increase access to drinking water on school property. This bill has been signed.

HB 1661: This bill modifies the blood test requirement for purposes of lead paint poisoning prevention and control. This bill is awaiting the governor's signature.

HB 1547: This bill clarifies language that sets setting maximum contaminant levels for perfluorochemicals in soil. This bill is awaiting the governor's signature.

HB 1456: enabling the commissioner of the department of environmental services to adopt rules relative to airborne PFAS in certain circumstances. This bill is awaiting the governor's signature.

HB 1066: This bill requires the commissioner of the department of environmental services to prepare a plan relative to prevent the increase of, and eventually control, cyanobacterial blooms in New Hampshire's lakes and other waters. This bill is awaiting the governor's signature. Mr. Kernan commented that there have been two cyanobacterial blooms already this year and that's unusually early.

HB 1185: This bill enables wastewater treatment plants to require providers of discharge--such as industrial or commercial facilities or septic haulers--to test such discharge for PFAS. This bill is awaiting the governor's signature.

HB 1421: This bill requires schools and licensed childcare facilities to submit lead test results to the department of environmental services data base and to notify parents of tests with high lead levels. This bill adds to the current law, and the requirement to test at every fixture results in approximately 30,000 compliance points to be monitored. Currently, DES does not have the resources to meet this requirement and that compliance is essentially on the honor system. It's possible that DES could budget to administer this requirement but it's difficult to get compliance at this point leading to a great deal of frustration. Representative Meuse recognized that more resources are needed to meet the intent of the law. Mr. Kernan said that an amendment was proposed that would have given schools the option of putting in water bottle filling stations, but the amendment failed. Noncompliance is supposed to result in a \$4,000 fine, but fining schools is not likely to be a popular option. Carl McMorran asked about federal law, and Mr. Kernan said that the new rules haven't been established yet and there's the possibility of some federal funding. This bill is awaiting the governor's signature.

HB 398: This bill makes appropriations to the department of environmental services for the purpose of funding eligible wastewater projects under RSA 486. This bill has been signed into law by the governor.

HB 1602: This bill requires testing for PFAS in drinking water of childcare facilities and schools. This bill was referred to interim study so is essentially dead for this session.

HB 1452: This bill changes the name of the department of environmental services to the department of environmental protection and authorizes the department to regulate private drinking wells. The bill was referred to interim study so is essentially dead for this session.

Carl McMorran said that he was pleased to see that personnel dealing with water facilities will now be regarded as essential personnel, an important change.

There was additional discussion about potential legislation for the next session, and Pat Bickford raised the issue of getting funding for testing for lead. Mr. Kernan said request such as that would have to go into either the operating budget or the capital budget and would require support from stakeholders and legislators. Representative Edgar made the point that it's necessary to begin working on legislative efforts such as that now so that it's ready to be submitted in September. Mark Connor made the point that compliance tracking isn't possible now because resources aren't available, and Mr. Kernan said that DES does not have the staff to do that at this point and would be relying on overtime if more staff can't be hired.

The meeting adjourned at 3:45PM.