

## HB 495 Seacoast Drinking Water Commission Work Session, May 5, 2023

Commission members present: Representative Jaci Grote, Representative Dennis Malloy, Representative David Meuse, Brandon Kernen, Danna Truslow, Brian Goetz, Pat Bickford, Carl McMorrان, Tim Roache, and Pat Bushway.

Guests: Amy Hudnor, DES, and Dr. Harvey Pine, DES

The meeting was called to order at 2PM by Chair Grote. The minutes of the February 10th meeting were not voted on as a quorum was not present.

Amy Hudnor and Harvey Pine presented an update on the Seacoast Private Well Initiative pertaining to the towns of North Hampton and Exeter. 120 people attended the workshop on January 11<sup>th</sup>, and of 115 kits distributed, 107 samples were returned. The information presented was well received and many stayed for the Q&A session afterwards. Dr. Pine made the point that arsenic is in our geology here in NH, and that radon is also common.

Ms Hudnor said that sample collection for lead needs to be done before and after flushing the water pipes. Approximately half had detection in the stagnant sample that was typically taken after pipes have been unused through the night. That number went to 3% in both North Hampton and Exeter after flushing the line for five minutes. The source of lead in homes may be solder in the pipes, but flushing for five minutes made a difference. Ms Hudnor and Dr. Pine discussed the results for other tested elements and compounds and said there was some PFAS detected in Exeter and PFOA detected in both North Hampton and Exeter. In response to a question about possible reasons for the exceedances in these compounds, Ms Hudnor said that it's difficult to say, but that the samples have been forwarded for further testing. Mr. Kernen made the point that the source could be businesses in the area. The DES website has additional information on PFAS testing as there has been a great deal of testing in North Hampton.

The Stratham workshop was held on Feb 22 with 300 attending, 291 kits distributed, and 276 samples returned. Various drop-off dates helped to manage the large number of participants. DES is processing the data and the results are being sent to the participants. All of the data will be available when complete. Representative Grote made the point that all data will be on the commission website once it can be uploaded, and Tim Roache from the Rockingham Planning

Commission said that the data can also be posted to that agency's website. Mr. Kernan said that the Drinking Water and Groundwater Trust Fund is still supporting the effort but is still taking the position that this should become a state-wide effort and the funding for it should be in the budget.

Three workshops remain, and Portsmouth, Newington, Rye, New Castle, Greenland, Dover, Hampton, and Seabrook have not been tested. Representative Grote made the point that those that have exceedances but cannot afford remediation will receive the filter pitchers if their income level qualifies. The funding for PFAS testing runs out in July and DES is looking for another funding source. The steering committee for the initiative will meet again in June.

Mr. Kernan provided an update on the recently changed MCLs for PFAS from the EPA that establishes the new limit at 4 parts per trillion (PPT). He said that PFOA is a problem in southern NH, and with the number of sources, public water sources could be impacted and may exceed the 4PPT. The current NH limit is 12 PPT but federal levels take precedence. Mr. Kernan went on to say that with input being provided on the new levels, they could change, and they could also be impacted by next year's election. These levels could impact wastewater that is discharged into rivers that serve as water sources. Representative Grote asked if people are generally aware of these compounds being in what they're purchasing and Mr. Kernan said there are efforts to monitor that, but that often the precursors of products have high levels. Mr. Kernan will provide additional information on this at the next meeting.

Brian Goetz made the point that earlier sampling efforts that may have been not-detect may not have tested for the right things. Now with so many systems needing testing and remediation, costs to do that are soaring due to the high demand. He cited carbon as an example. Representative Grote asked about ways to keep communities from panicking in these situations and asked for thoughts about merging water systems. Mr. Kernan said there is a large number of small water systems in southern NH, and funding over the long term could be problematic. Carl McMorrin made the point that the cost of operating a new plant has to be taken into consideration, not just the construction cost.

Mr. Kernan said that there are big changes in sampling requirements for lead and copper coming up, and Carl McMorrin added that that will increase water bills

and possibly taxes as well. The discussion focused on how to respond to everyone reacting to this and how to avoid overreactions. Representative Grote mentioned the reaction in Rye to the recent problem with e-coli. The questions are who should manage this and how do we make sure people adequately value their community water systems. Brian Goetz made the point that we regulate drinking water to avoid PFAS, but don't consider the contamination from PFAS in products that we buy regularly. Representative Grote suggested that perhaps we could have a panel discussion to address these issues. Mr. Kernan said that Karen Craver from DES Environmental Health can talk in more detail about health impacts. Representative Grote suggested that we get input from other water commissions within the state dealing with similar issues. We'll consider that for our meeting in the fall.

Brian Goetz reported on the activity of the Interconnectivity Committee and explained that the plan is still to update the 2006 study. The update will include what some of the water systems have done in the interim and it will add some communities not previously included. A draft RFP has been written to try to get support from the infrastructure fund. Mr. Kernan said that the RFP should be approved in the next couple of months after the review is complete. He said that funding is available so it should be approved and will then go to the Executive Council for final approval.

Danna Truslow reported that the Hazardous Waste Committee continues to work in a regionalization initiative that will increase availability of disposal opportunities. This is a feasibility study at this point and the committee will seek funding from the SRF. Jill Longval from RPC will lead the effort and Tim Roache said that the Strafford Planning Commission is also interested in participating. Ms Truslow also said that the committee will work with the Education and Outreach Committee to publicize collection dates for this year which can also help DES to keep their website updated on collection dates. The committee will meet again when a draft plan for the feasibility study is available.

Representative Dennis Malloy reported that the Education and Outreach Committee has identified the points of contact in member communities to which information will be provided. The goal is to get widest dissemination of information such as the information on hazardous waste collection. Mr. Kernan

added that DES is contracting with an advertising firm to make sure that people understand the value of water and don't take it for granted.

Representative David Meuse presented an overview of the bills (list attached) in the current legislative session that are of interest to the commission. He discussed the status of specific bills to include HB56 which addressed the proximity of landfill locations to nearby bodies of water. That bill was voted inexpedient to legislate. Many more bills have been retained so that no additional work will be done on them at this time, but they will still be voted on at some point. Representative Meuse also pointed highlighted HB 465 restricting PFAS in some food packaging and HB 205 dealing with private well testing as part of real estate transactions. That bill was tabled in light of objections by realtors that such testing would add time and cost to the transaction.

There was additional discussion about the commission endorsing legislation of interest in the future. Representative Meuse said that a bill from the commission would carry more weight and suggested that other commissions dealing with drinking water issues throughout the state might be willing to join forces for greater impact. Representative Grote agreed that it's a good idea to request legislation from this commission, and then get the others onboard to strengthen the position. Representative Malloy made the point that it's essential to identify sources of resistance that will have to be addressed in the process. He used the example of realtors being able to impede progress by a commission dealing with septic systems and said that forces such as that will have to be countered to get legislation passed. Representative Grote added that clean drinking water is a non-partisan issue and that work on a bill that is tabled can be continued unlike a bill that is voted inexpedient to legislate. Brandon Kernen added that HB 534 provides funding for low-income households whose water source is damaged by natural disaster, HB 247 addresses issues with septic systems in proximity to drinking water sources, and HB 342 that addresses lead testing for children passed the House and was on the consent agenda for the Senate so will hopefully be enacted.

The meeting adjourned at 3:45.