

## HB 495 Seacoast Drinking Water Commission Meeting, July 27, 2023

Commission members present: Representative Jaci Grote, Representative Dennis Malloy, Representative David Meuse, Representative Tracy Emerick, Representative Tim McGough, Brandon Kernan, Danna Truslow, Brian Goetz, Pat Bickford, Ralph Hickson, Bob Kelly, Carl McMorrin, Tim Roache, and Pat Bushway. Representative Grote introduced Representative McGough, a newly appointed commissioner.

Guests: Amy Hudnor, DES and Jennifer Mates, DES

The meeting was called to order at 2PM by Chair Grote. The notes of the February 10<sup>th</sup> work session and May 5<sup>th</sup> meeting were approved. Representative Tracy Emerick and Ralph Hickson abstained as they were not present.

Brandon Kernan presented the Water Conditions Update. No drought conditions exist at this time and the metrics are in positive territory which is rare. There has been a deficit for the past 5 years, but even that proved to be manageable because higher costs led to less usage and more efficient appliances use less water. The comparison is more accurate if they look at winter months to eliminate summer watering impacts.

Above average precipitation and temperatures is leading to cyanobacteria in water and that is becoming a problem as the rain washes nutrients into water and toxins can end up in drinking water. There are no standards for this issue, only guidelines. Additionally testing for toxins is very expensive because the answer is needed literally overnight. DES is trying to expand their testing capacity. Representative Meuse asked if legislative action is needed to establish standards and Mr. Kernan responded that he believes that the current laws are adequate to address the problem for the time being. He went on to say that mitigation currently is focused on water for recreation, not drinking water, but that \$10M per year for the next 3 years will be available for drinking water issues. In response to a question about how the funding will be prioritized, he said that some will go to the state drinking water lab, some to PFAS issues, and some to emerging contaminants. Most of the funding is likely to go to public water systems but there is some effort to make some of it available for private wells.

Amy Hudnor presented an update on the Seacoast Private Well Initiative (PWI) which is about halfway complete. The workshop for Stratham was held on Feb 22<sup>nd</sup> with 291 sample kits distributed and 276 returned. Ms Hudnor pointed out that 51% of the samples had arsenic levels over the NH health limit, a surprising result. 24% of the samples exceeded the health limit for radon and the recommendation is that those exceeding should have their air tested also. There is no correlation between the high levels of arsenic and radon, just co-occurrence. A few samples had high levels of sodium and while there was some lead in unflushed, stagnant samples, there was no lead on flushed samples. 3% of wells tested exceeded the health limit for PFOA. The question was asked about the overall lower levels of PFAS compounds, and Ms Hudnor said that much testing has been and continues to be done in the area because of concerns about specific problem areas.

Representative Grote asked about the reported levels of PFAS compounds and Ms Hudnor said that there has been a great deal of testing in the Stratham and North Hampton areas because of issues in the vicinity of the fire stations. The testing is done regularly, and some high levels have been reported.

Ms Hudnor discussed resources available for treatment information such as the DES “Be Well Informed” page on the DES website. The “Zerowater” pitchers are being provided to those with exceedances that qualify. There is also funding available rebates of up to \$5K for PFAS treatment and up to \$10K to tie into a public water system. Mr. Kernan said that those using treatment companies need to be sure that the company is looking at ways to address arsenic as well as PFAS, and that reverse osmosis systems work well. The PWI is getting to approximately 12% of private well owners, and there is about a 44% response to surveys that are sent out. Testing is increasing awareness of contaminants and most of those with issues are doing something to mitigate the problem. The results of the town’s test are provided to the town staff. There is no plan to test those who missed their town schedule, but hopefully word of mouth through neighborhoods on wells will encourage testing and treating. The next towns for the PWI are Hampton and Seabrook and the workshop will be on September 14<sup>th</sup> at Hampton Academy Junior High School.

Brian Goetz reported on the activity of the Interconnectivity Committee and the plan to update the 2006 study. The update revisit issues of water quality and infrastructure of the towns included in the initial study and will expand to include towns not previously studied such as Exeter and Brentwood. Hopefully the study will support the establishment of support agreements like exist for firefighting support. The Request For Quote (RFQ) has been drafted, and now input is needed from the communities to ensure that they want to participate. Once that's done, and the funding has been approved by the Executive Council, the RFQ can be issued, probably in late summer, candidate companies can be interviewed, and the selection can be made in December for the contract that will run until December 2024. Mr. Goetz also mentioned that the interconnectivity pipe from Dover to Portsmouth that was proposed for the new General Sullivan pedestrian bridge will be included in the project.

Danna Truslow reported that the Household Hazardous Waste Committee continues to work on a regionalization initiative that will increase availability of household hazardous waste disposal days, and that the Request for Proposal (RFP) for the feasibility study has been drafted and reviewed by the committee. As currently planned, the regionalization effort will include only communities in Rockingham County, but Mr. Kernen said that funding could be available for a similar effort in Strafford County. In the meantime, Ms Truslow has collected dates of upcoming household hazardous waste disposal days in various communities and will provide those to the Community Outreach Committee.

Representative David Meuse presented an overview of the recently completed legislative session. He explained that the budget trailer bill, HB2, includes a number of bills of interest to the commission to include a PFAS response fund that can accept funding from any source and a bill to address cyanobacteria mitigation. He added that a bill for blood testing for lead was vetoed by the governor. He said that a bill to require private well testing with real estate transactions was opposed by real estate agents and did not pass. Representative Emerick made the point that the criteria for the well testing was too narrow and should be relooked. Representative Meuse said that it's important to make sure that funding for water related issues goes for the intended purpose and not just into the general fund. Mr. Kernen said that by law, funding from settlements for water issues has to be administered by the Drinking Water & Ground Water Trust

Fund. Funds can be dispersed as loans or grants, but there can be some reluctance to issue grants for private wells even public water systems regularly get grants.

Representative McGough added that it needs to be made clear who is eligible for the funding and that the wording of this bill going forward should reflect that. The question remains as to whether a private well owner can be forced to test their water or is the prerogative of the buyer to do that adequate. Some communities may require proof of clean water to allow occupancy, and should there be an opt-out clause in those communities? Representative Grote added that incremental steps are better than no steps at all, and that it's important for homebuyers to know about the water they're buying. She also said that it's important for House members to continue to work together on this type of legislation. In this case, there was bipartisan agreement on an amendment, but it fell apart at the last minute. Representative Emerick asked if enabling legislation should be enacted, but Mr. Kernan said that communities can already do that under current law. Representative Grote reiterated that we should use the entire process to educate people on issues of household hazardous waste, interconnectivity, and overall water quality.

The meeting adjourned at 3:30.