

REGULAR CALENDAR

October 26, 2022

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

**The Committee on Resources, Recreation and
Development to which was referred HB 1167,**

**AN ACT establishing a maximum contaminant level for
perfluorinated chemicals in surface water. Having
considered the same, report the same: NOT
RECOMMENDED FOR FUTURE LEGISLATION.**

Rep. Suzanne Smith

FOR THE COMMITTEE

COMMITTEE REPORT

Committee:	Resources, Recreation and Development
Bill Number:	HB 1167
Title:	establishing a maximum contaminant level for perfluorinated chemicals in surface water.
Date:	October 26, 2022
Consent Calendar:	REGULAR
Recommendation:	NOT RECOMMENDED FOR FUTURE LEGISLATION

STATEMENT OF INTENT

Awareness of the dangers of perfluorochemicals (PFCs) is on the rise in New Hampshire and around the country. New Hampshire has already established minimum contaminant levels (MCLs) for the presence of some of these chemicals in drinking water. NHDES reported that rules which establish MCLs for 4 PFAS compounds for surface water are in final review. Following internal review the proposed rules will be reviewed by stakeholders and after public review will be approved by JLCAR. For these reasons, the committee voted unanimously to not recommend this bill for future legislation.

Vote 17-0.

Rep. Suzanne Smith
FOR THE COMMITTEE

Original: House Clerk
Cc: Committee Bill File

REGULAR CALENDAR

Resources, Recreation and Development

HB 1167, establishing a maximum contaminant level for perfluorinated chemicals in surface water. **NOT RECOMMENDED FOR FUTURE LEGISLATION**.

Rep. Suzanne Smith for Resources, Recreation and Development. Awareness of the dangers of perfluorochemicals (PFCs) is on the rise in New Hampshire and around the country. New Hampshire has already established minimum contaminant levels (MCLs) for the presence of some of these chemicals in drinking water. NHDES reported that rules which establish MCLs for 4 PFAS compounds for surface water are in final review. Following internal review the proposed rules will be reviewed by stakeholders and after public review will be approved by JLCAR. For these reasons, the committee voted unanimously to not recommend this bill for future legislation. **Vote 17-0.**

Original: House Clerk

Cc: Committee Bill File

Heather Goley

From: Andrew Renzullo
Sent: Wednesday, October 26, 2022 1:55 PM
To: Heather Goley
Subject: Interim Study Report on HB 1167

HB1167

Representative Suzanne Smith for the Committee

Awareness of the dangers of perfluorochemicals (PFCs) is on the rise in New Hampshire and around the country. New Hampshire has already established minimum contaminant levels (MCLs) for the presence of some of these chemicals in drinking water. NHDES reported that rules which establish MCLs for 4 PFAS compounds for surface water are in final review. Following internal review the proposed rules will be reviewed by stakeholders and after public review will be approved by JLCAR. For these reasons, the committee voted unanimously to not recommend this bill for future legislation.17-0

HOUSE COMMITTEE ON RESOURCES, RECREATION AND DEVELOPMENT

EXECUTIVE SESSION on HB 1167

BILL TITLE: establishing a maximum contaminant level for perfluorinated chemicals in surface water.

DATE: October 19, 2022

LOB ROOM: 305 - 307

MOTION:

Interim Study (2nd yr) Not Recommended for Future Legislation

Moved by Rep. Suzanne Smith

Seconded by Rep. Cohen

Vote: 17-0

Respectfully submitted,

Rep Juliet Harvey-Bolia, Clerk

HOUSE COMMITTEE ON RESOURCES, RECREATION AND DEVELOPMENT

EXECUTIVE SESSION on HB 1167

BILL TITLE: establishing a maximum contaminant level for perfluorinated chemicals in surface water.

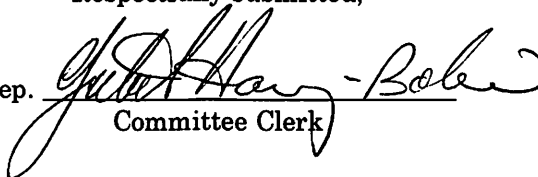
DATE: 10/19/22

LOB ROOM: 305 - 307

MOTION: Recommended for Future Legislation
 Not Recommended for Future Legislation

Moved by Rep. Smith Seconded by Rep. Cohen Vote: 17-0

Respectfully submitted,

Rep. 
Committee Clerk



2022 SESSION

Resources, Recreation and Development

Bill #: 1167 Motion: Not Recommended AM #: _____ Exec Session Date: 10/19/22

<u>Members</u>	<u>YEAS</u>	<u>Nays</u>	<u>NV</u>
Renzullo, Andrew Chairman	✓		
Harb, Robert D. Vice Chairman	✓		
Hough, Gregg	✓		
Gould, Linda R.	✓		
Horgan, James F.	✓		
Creighton, Jim L.	✓		
Dodge, Dustin	✓		
Harvey-Bolia, Juliet Clerk	✓		
Healey, Robert V.	✓		
Mayville, Mary L.	✓		
Post, Lisa C.M.	✓		
Smith, Suzanne J.	✓		
Spang, Judith T.	✓		
Grassie, Chuck W.	✓		
Gottling, Suzanne H.	✓		
Cohen, Bruce L.	✓		
Connors, Erika F.			✓
Vail, Suzanne M.	✓		
Kelley, Eamon P.			✓
Moran, Melbourne R.			✓
Egan, Timothy T.			✓

17 0

CONSENT CALENDAR

February 14, 2022

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

**The Committee on Resources, Recreation and
Development to which was referred HB 1167,**

**AN ACT establishing a maximum contaminant level for
perfluorinated chemicals in surface water. Having
considered the same, report the same with the
recommendation that the bill be REFERRED FOR
INTERIM STUDY.**

Rep. Eamon Kelley

FOR THE COMMITTEE

COMMITTEE REPORT

Committee:	Resources, Recreation and Development
Bill Number:	HB 1167
Title:	establishing a maximum contaminant level for perfluorinated chemicals in surface water.
Date:	February 14, 2022
Consent Calendar:	CONSENT
Recommendation:	REFER FOR INTERIM STUDY

STATEMENT OF INTENT

Awareness of the dangers of perfluorochemicals (PFCs) is on the rise in New Hampshire and around the country. This group of compounds is often referred to as “forever chemicals” because of their ability to withstand natural degradation. New Hampshire has already established standards for the presence of some of these chemicals in drinking water. Drinking water is an important pathway, but it only represents some of the ways these chemicals can enter the human body. Protecting our surface waters from contamination is important to making sure that our streams, rivers, ponds, and lakes remain available for all uses by future generations. Although this bill attempts to deal with the dangers presented by these chemicals, it comes precisely as the Department of Environmental Services (DES) prepares to release their own standards for these chemicals. Those standards will be based on a comprehensive process that involves input from prominent stake holders, leading scientists, and the greater public. The committee feels that the best course of action is to allow that process to reach completion. At the same time, the committee recognizes that there are issues surrounding PFCs raised in this bill and others this session that may require legislative action. The committee's recommendation of interim study will allow us to evaluate those bills together along with the new DES standards and return to the body with the necessary legislation to best protect New Hampshire's pristine waters.

Vote 21-0.

Rep. Eamon Kelley
FOR THE COMMITTEE

Original: House Clerk
Cc: Committee Bill File

CONSENT CALENDAR

Resources, Recreation and Development

HB 1167, establishing a maximum contaminant level for perfluorinated chemicals in surface water.
REFER FOR INTERIM STUDY.

Rep. Eamon Kelley for Resources, Recreation and Development. Awareness of the dangers of perfluorochemicals (PFCs) is on the rise in New Hampshire and around the country. This group of compounds is often referred to as “forever chemicals” because of their ability to withstand natural degradation. New Hampshire has already established standards for the presence of some of these chemicals in drinking water. Drinking water is an important pathway, but it only represents some of the ways these chemicals can enter the human body. Protecting our surface waters from contamination is important to making sure that our streams, rivers, ponds, and lakes remain available for all uses by future generations. Although this bill attempts to deal with the dangers presented by these chemicals, it comes precisely as the Department of Environmental Services (DES) prepares to release their own standards for these chemicals. Those standards will be based on a comprehensive process that involves input from prominent stake holders, leading scientists, and the greater public. The committee feels that the best course of action is to allow that process to reach completion. At the same time, the committee recognizes that there are issues surrounding PFCs raised in this bill and others this session that may require legislative action. The committee's recommendation of interim study will allow us to evaluate those bills together along with the new DES standards and return to the body with the necessary legislation to best protect New Hampshire's pristine waters. **Vote 21-0.**

Original: House Clerk

Cc: Committee Bill File

Heather Goley

From: Andrew Renzullo
Sent: Sunday, February 13, 2022 11:20 AM
To: Heather Goley
Subject: Blurb for HB1167

Hi Heather,

Below is the Blurb for HB1167, exec'd on 2/9/2022 submitted by Eamon Kelley

Andy

The Resources, Recreation, and Development committee recommends House Bill 1167, establishing a maximum contaminant level for perfluorinated chemicals in surface water, for interim study by a vote of 21-0. Awareness of the dangers of perfluorochemicals (PFCs) is on the rise in New Hampshire and around the country. This group of compounds is often referred to as "forever chemicals" because of their ability to withstand natural degradation. New Hampshire has already established standards for the presence of some of these chemicals in drinking water. Drinking water is an important pathway, but it only represents some of the ways these chemicals can enter the human body. Protecting our surface waters from contamination is important to making sure that our streams, rivers, ponds, and lakes remain available for all uses by future generations. Although this bill attempts to deal with the dangers presented by these chemicals, it comes precisely as the Department of Environmental Services prepares to release their own standards for these chemicals. Those standards will be based on a comprehensive process that involves input from prominent stakeholders, leading scientists, and the greater public. The committee feels that the best course of action is to allow that process to reach completion. At the same time, the committee recognizes that there are issues surrounding PFCs raised in this bill and others this session that may require legislative action. The recommendation of Interim Study will allow us to evaluate those bills together along with the new DES standards and return to the body with the necessary legislation to best protect New Hampshire's pristine waters.

Eamon Kelley
Coos 3 - Berlin

HOUSE COMMITTEE ON RESOURCES, RECREATION AND DEVELOPMENT

EXECUTIVE SESSION on HB 1167

BILL TITLE: establishing a maximum contaminant level for perfluorinated chemicals in surface water.

DATE: February 9, 2022

LOB ROOM: 305 - 307

MOTIONS: **REFER FOR INTERIM STUDY**

Moved by Rep. E. Kelley

Seconded by Rep. Renzullo

Vote: 21-0

CONSENT CALENDAR: YES

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep Juliet Harvey-Bolia, Clerk



2022 SESSION

Resources, Recreation and Development

Bill #: 1167 Motion: interim study AM #: _____ Exec Session Date: 2-9-22

<u>Members</u>	<u>YEAS</u>	<u>Nays</u>	<u>NV</u>
Renzullo, Andrew Chairman	✓		
Harb, Robert D. Vice Chairman	✓		
Hough, Gregg	✓		
Gould, Linda R.	✓		
Horgan, James F.	✓		
Creighton, Jim L.	✓		
Dodge, Dustin	✓		
Harvey-Bolia, Juliet Clerk	✓		
Healey, Robert V.	✓		
Mayville, Mary L.	✓		
Post, Lisa C.M.	✓		
Smith, Suzanne J.	✓		
Spang, Judith T. <i>Marice Perez</i>	✓		
Grassie, Chuck W.	✓		
Gottling, Suzanne H.	✓		
Cohen, Bruce L.	✓		
Connors, Erika F.	✓		
Vail, Suzanne M.	✓		
Kelley, Eamon P.	✓		
Moran, Melbourne R. <i>Marty Jack</i>	✓		
Egan, Timothy T.	✓		
	21	0	

HOUSE COMMITTEE ON RESOURCES, RECREATION AND DEVELOPMENT

PUBLIC HEARING ON HB 1167

BILL TITLE: establishing a maximum contaminant level for perfluorinated chemicals in surface water.

DATE: January 19, 2022

LOB ROOM: 305 - 307 **Time Public Hearing Called to Order:** 1:45 p.m.

Time Adjourned:

Committee Members: Reps. Renzullo, Harb, Harvey-Bolia, Hough, Gould, Creighton, Dodge, Mayville, Post, Suzanne Smith, Gottling, Cohen and Egan

Bill Sponsors:

Rep. B. Boyd

Rep. Myler

Rep. Woodcock

TESTIMONY

* Use asterisk if written testimony and/or amendments are submitted.

Rep. Rosemarie Rung introduced the bill.

Ted Diers, Admin. Of Watershed Bureau at the NHDES- spoke in opposition. MCLs apply to drinking water, not all drinking water.

Natch Greyes, NHMA, opposes due to the costs.

Boyd Smith, NHWWA-opposed.

Rep. Bill Boyd - Prime sponsor of the bill.

William Howard, Waste Management of New Hampshire - Opposes the bill.

Respectfully submitted,

Rep. Juliet Harvey-Bolia
Clerk

01/19/21 2:40 pm

Committee members: Reps Renzullo, Harvey-Bolia, Creighton, Cohen, Smith, Dodge, Egan, Gottling, Gould, Hough, Harb, Healey, Hough, Post, Mayville

HB 1167

Rep. Rung introduced the bill.

Ted Diers, Admin. Of Watershed Bureau at the NHDES- spoke in opposition. MCLs apply to drinking water, not all drinking water.

Natch Greyes, NHMA, opposes due to the costs.

Boyd Smith, NHWWA-opposed.

*****I had to step out*****Please see card order

The New Hampshire
House of Representatives

HOUSE OF REPRESENTATIVES - ONLINE TESTIMONY SUBMISSIONS

House Resources, Recreation and Development 

HB1167 

Support: 9 | Oppose: 2 | Neutral: 0

<u>Name</u>	<u>Town</u>	<u>State</u>	<u>Position</u>	<u>Attachment</u>	<u>Typed</u>
Barbara Healey	Merrimack	NH	Support		
Brian Landrigan	Merrimack	NH	Support		
Carol DiPirro	Merrimack	NH	Support		
David Packard, LMAC Chair	Geoffstown	NH	Oppose		
Hon. Nancy A A Murphy	Merrimack	NH	Support		
Laurene Allen	Merrimack	NH	Support		
Michele L. Tremblay, RMAC Chair	Penacook	NH	Oppose		
Pat Teden	Merrimack, NH	NH	Support		
Pauline Landrigan	Merrimack	NH	Support		
Randy Hayes	Canterbury	NH	Support		
Russan Chester	Bedford	NH	Support		



January 11, 2022

Honorable Andrew Renzullo, Chairman
House Resources, Recreation and Development Committee
Legislative Office Building, Room 305
Concord, NH 03301 (via electronic delivery only)

Re: Testimony Regarding House Bills Currently Assigned to the Committee

Dear Chairman Renzullo and Committee Members:

I am writing on behalf of the NH Water Works Association (NHWWA) and our 300+ supporters who represent roughly 2,500 regulated public drinking water suppliers serving two-thirds of New Hampshire residents and businesses with safe, reliable, and affordable drinking water. Many of our supporters also operate wastewater treatment facilities, which is why water infrastructure policy requires a broad perspective and understanding of this essential public service.

This letter summarizes our input and positions on several bills assigned to this Committee. The bills and our positions are presented by increasing bill number. We plan to attend scheduled hearings but are submitting this testimony for your information and in case we cannot attend as planned.

There is a common theme in many of our comments, strongly advocating for the use of existing science-, health-, and risk-based methods to establish regulatory standards. We understand the importance and urgency of many of the issues facing the Committee and our fellow citizens and recommend investing robustly in the agencies and organizations that have the expertise to establish environmental regulations. Thank you for your consideration, and please do not hesitate to contact me if you have any questions.

HB 1066 (establishing a commission to investigate and analyze the environmental and human and animal health impacts relating to cyanobacteria blooms in New Hampshire water bodies; Support)

Cyanobacteria occur in surface water, are highly toxic, and appear in dangerous concentrations with increasing frequency. Our largest public water providers (e.g. Manchester, Nashua, Concord, Portsmouth, Rochester) depend on surface water sources. It is critical that experts from the public drinking water sector be included on this Commission.

HB 1167 (Establish new Maximum Contaminant Levels (MCLs) for perfluorinated chemicals in surface water; Oppose)



When surface water quality standards are lacking, existing NH Department of Environmental Services (NHDES) policy adopts established MCLs. Where MCLs do not exist, there are rigorous, risk-based scientific processes used to develop them. Surface water standards include multiple limits based on varying uses (water consumption, fish consumption, fish and shellfish health and consumption, recreational contact). We offer the following for your consideration:

- The legislation (Section X (a through d) proposes to adopt existing PFAS MCLs as surface water standards. We understand that this is existing NHDES policy, and that the applicable regulations are currently being updated to incorporate existing MCLs.
- Section X (e and f) propose creating new MCLs for two PFAS compounds. We oppose mandating regulatory standards without rigorous and established scientific methods and public input processes. Adopting new standards without proper analysis adds risk to public health, finances, and trust.
- Section X (g) proposes a combined standard not to exceed 20 ppt. This proposed standard is higher than the four existing individual MCLs, with unknown health and financial benefits and costs.
- Section XI reporting requirements are time consuming, expensive, and unnecessary, as existing NHDES policies and procedures are highly transparent and continually implemented and monitored for effect and impact through established public processes.

HB 1440 (relative to surface water quality standards for perfluorinated chemicals; Oppose)

- The legislation requires NHDES to establish new surface water quality standards for several perfluorinated chemicals. The proposed schedule (September 1, 2022) is not feasible, given the time and cost of the required research, as summarized in the table on page 9 of NHDES "Plan to Generate PFAS Surface Water Quality Standards", prepared for the New Hampshire Legislature in Accordance with Chapter 368, Laws of 2018, December 30, 2019.
- Section XVII reporting requirements are time consuming, expensive, and unnecessary, as existing NHDES policies and procedures are highly transparent and continually implemented and monitored for effect and impact.

HB 1618 (adds several perfluorinated chemicals to the list of per and polyfluoroalkyl substances with MCLs and establishes a cumulative total for the MCL of per and polyfluoroalkyl substances; Oppose)

- Section 1 proposes creating new MCLs for two PFAS compounds. We oppose developing health-based standards without rigorous and established scientific methods and public



NHWWA
NH WATER WORKS ASSOCIATION

input processes. Adopting new standards without proper analysis adds risk to public health, finances, and trust.

- Section 1 also proposes a combined standard not to exceed 20 ppt. This proposed standard is higher than the four existing individual MCLs and one of the proposed MCLs and has no known health risk basis. We caution against the use of combined regulatory limits when contaminant toxicology is poorly understood.
- Section 2, July 1, 2022 enactment date, is infeasible for applying established processes for setting water quality standards.

HB 1620 (identifying part of the Merrimack River as a protected river; Oppose)

The State has well established, rigorous, and transparent procedures that fully engage the public to jointly manage shared waters such as the Merrimack River (see NH Rivers Management and Protection statutes, RSA 483). In particular, the nomination criteria listed at RSA 483:6 provide a comprehensive and robust process involving multiple stakeholders and experts. Rather than create policies and procedures through direct legislation, our Association supports using existing, proven, and accepted regulatory decision-making methods to meet legislative goals.

Thank you for your consideration of our testimony. Please do not hesitate to contact me if you should have any questions.

Sincerely,

Boyd Smith
President and CEO
BSmith@NHWWA.org

Cc: House Resources, Recreation and Development Committee members (via electronic delivery only)



January 19, 2022

Honorable Andrew Renzullo, Chairman
House Resources, Recreation and Development Committee
Legislative Office Building, Room 305
Concord, NH 03301 (via electronic delivery)

Re: Testimony Regarding House Bill HB 1167 - OPPOSE

Dear Chairman Renzullo and Committee Members:

I am writing on behalf of the NH Water Works Association (NHWWA) and our 300+ supporters who represent roughly 2,500 regulated public drinking water suppliers serving two-thirds of New Hampshire residents and businesses with safe, reliable, and affordable drinking water. Many of our supporters also operate wastewater treatment facilities, which is why water infrastructure policy requires a broad perspective and understanding of this essential public service.

HB 1167 (Establish new Maximum Contaminant Levels (MCLs) for perfluorinated chemicals in surface water; Oppose)

When surface water quality standards are lacking, existing NH Department of Environmental Services (NHDES) policy adopts established MCLs. Where MCLs do not exist, there are rigorous, risk-based scientific processes used to develop them. Surface water standards include multiple limits based on varying uses (water consumption, fish consumption, fish and shellfish health and consumption, recreational contact). We offer the following for your consideration:

- The legislation (Section X (a through d) proposes to adopt existing PFAS MCLs as surface water standards. We understand that this is existing NHDES policy, and that the applicable regulations are currently being updated to incorporate existing MCLs.
- Section X (e and f) propose creating new MCLs for two PFAS compounds. We oppose mandating regulatory standards without rigorous and established scientific methods and public input processes. Adopting new standards without proper analysis adds risk to public health, finances, and trust.
- Section X (g) proposes a combined standard not to exceed 20 ppt. This proposed standard is higher than the four existing individual MCLs, with unknown health and financial benefits and costs.



NHWWA
NH WATER WORKS ASSOCIATION

- Section XI reporting requirements are time consuming, expensive, and unnecessary, as existing NHDES policies and procedures are highly transparent and continually implemented and monitored for effect and impact through established public processes.

Thank you for your consideration of our testimony. Please do not hesitate to contact me if you should have any questions.

Sincerely,

Boyd Smith

President and CEO

BSmith@NHWWA.org

Cc: House Resources, Recreation and Development Committee members (via electronic delivery)

Voting Members:

Michele L. Tremblay
Chair
Conservation
Community

Larry T. Spencer
Vice Chair
Conservation
Commissions

Victoria Bunker
Historic/Archeological
Interests

Christopher Hodgdon
NH Fish & Game
Commission

Frederick J. McNeill
Municipal Officer

Madeleine Mineau
Granite State
Hydropower
Association

Robert M. Roseen
Recreational Interests

Ruth Ward
Local River Management
Advisory Committees

Donald L. Ware
Public Water Suppliers

Vacant
Agricultural Community

Vacant
Business & Industry
Association

Non-Voting Members:

Peter Bowman
NH Department of
Natural and Cultural
Resources

Brian Eaton
NH Department of
Safety

Jennifer Gilbert
NH Office of
Strategic Initiatives

Mark Hemmerlein
NH Department of
Transportation

Shawn Jasper
NH Department of
Agriculture,
Markets & Food

John Magee
NH Fish & Game
Department

Staff:

Tracie Sales
Program Manager

Nisa Marks
Program Assistant

Vacant
Watershed Coordinator

N.H. Rivers Management and Protection Program
N.H. Rivers Management Advisory Committee

January 19, 2022

The Honorable Andrew Renzullo, Chair
House Resources, Recreation, and Development Committee
Legislative Office Building, Room 305
Concord, NH 03301

RE: HB 1167 *An act establishing a maximum contaminant level for perfluorinated chemicals in surface water.*

Dear Chair Renzullo and Members of the Committee,

The Rivers Management Advisory Committee (RMAC) is writing to express its **opposition to House Bill 1167**, which establishes maximum contaminant levels for six PFAS chemicals in surface waters.

The RMAC opposes this bill because

- Water quality standards should be set by qualified experts at the Department of Environmental Services, not in statute by the legislature;
- Water quality standards should be based on the best available scientific data and able to be updated by rule as new information becomes available;
- Work is underway by the Department of Environmental Services to set PFAS standards for surface waters, making this bill unnecessary.

The RMAC is a legislatively created body charged to work with the New Hampshire Department of Environmental Services (NHDES) to administer RSA 483, the Rivers Management and Protection Program. The Governor and Council appointed Committee is composed of members from business, agriculture, hydroelectric, municipal government, water supply, conservation, recreation, fish and game, and historical interests.

Should you have any questions regarding our testimony in **opposition to HB 1167**, please feel free to contact me at 603.796.2615 or MLT@natureresource.net.

Sincerely,



Michele L. Tremblay
RMAC Chair

cc: Rep. Bill Boyd
Rep. Mel Myler
Rep. Stephen Woodcock

The Honorable Andrew Renzullo
Chair, House Resources, Recreation, and Development Committee
HB 1167, January 19, 2022
Page 2

RMAC Representatives

Robert R. Scott, Commissioner, NHDES

Ted Diers, Administrator, Watershed Mgmt. Bur., NHDES

Tracie Sales, Rivers and Lakes Programs Manager, NHDES

Local River Management Advisory Committee Chairs

Voting Members:

David Packard
Chair
NH Lakes Assn.

Shane Bradt
Scientific Community

Ryan Cardella
Marine Trades
Association

Tiffany Grade
Conservation
Community

Sara Holland
NH Association of
Realtors

Janet Kidder
Planning Boards

Frank Lemay
NH BIA

Jared Marajo
NH Travel Council

Lisa Morin
State Conservation
Committee

Dick Smith
Fishing Interests

Meredith Smith
Municipal Official

Bruce Temple
NH Fish & Game
Commission

Vacant
Conservation
Commissions

Non-Voting Members:

Garret Graaskamp
Vice Chair
NH Fish & Game Dept.

Capt. Tim Dunleavy
NH Dept. of Safety

Eric Feldbaum
NH Dept. of Natural and
Cultural Resources

Jennifer Gilbert
NH Office of Strategic
Initiatives

Mark Hemmerlein
NH Dept. of Trans.

Shawn Jasper
NH Dept. of
Ag, Markets & Food

Staff:

Tracie Sales
Program Manager

Nisa Marks
Program Assistant

Vacant
Watershed Coordinator

N.H. Lakes Management and Protection Program N.H. Lakes Management Advisory Committee

January 18, 2022

The Honorable Andrew Renzullo, Chair
House Resources, Recreation and Development Committee
Legislative Office Building, Room 305
Concord, NH 03301

RE: HB 1167 – *An act establishing a maximum contaminant level for perfluorinated chemicals in surface water.*

Dear Chair Renzullo and Members of the Committee:

RSA 483-A established the New Hampshire Lakes Management and Protection Program and the Lakes Management Advisory Committee (LMAC) to complement and reinforce existing state and federal water quality laws. Within its responsibilities of advising the NHDES Commissioner and the department, the LMAC reviews and takes positions on legislation pertaining to New Hampshire's lakes. The LMAC appreciates the opportunity to comment on House Bill 1167.

The LMAC opposes HB 1167. Water quality standards are most appropriately set by qualified experts at the Department of Environmental Services, not in statute by the legislature. Setting standards by rulemaking helps ensure that standards are based on the best available scientific data and are able to be updated as new information becomes available. Work is already underway by NHDES to set PFAS standards for surface waters, so this bill is unnecessary.

The LMAC is a legislatively created body of lake stakeholders, representing the NH Lakes Association, conservation commissions, the scientific community, conservation community, planning boards, Business and Industry Association, tourism industry, state conservation committee, NH Municipal Association, fishing interests, NH Fish & Game Commission, NH Association of Realtors, Marine Trades Association, and several state agencies. Committee members are appointed by the Governor and Council or the head of the state agency and are charged with supporting the legislative intent of the Lakes Management and Protection Program.

In conclusion, the LMAC opposes HB 1167 for the reasons stated above. Thank you for the opportunity to comment. Should you have questions, please feel free to contact me at (603) 867-9299 or appliedforce52@gmail.com.

Respectfully,



David Packard
Chair

ec: Rep. Bill Boyd
LMAC Representatives
Robert R. Scott, Commissioner, NHDES
Ted Diers, Administrator, Watershed Mgmt. Bur., NHDES
Tracie Sales, Rivers and Lakes Programs Manager, NHDES



January 19, 2022

Honorable Andrew Renzullo, Chairman
Resources, Recreation and Development Committee
Legislative Office Building, Room 305
Concord, New Hampshire

Via Electronic Delivery Only

Re: HB 1167, establishing a maximum contaminant level for perfluorinated chemicals in surface water

Dear Representative Renzullo:

The New Hampshire Municipal Association opposes HB 1167, establishing maximum contaminant levels (MCLs) for six perfluorinated chemicals (PFAS) in surface water and establishing a combined MCL of 20 parts per trillion in surface water for all PFAS compounds.

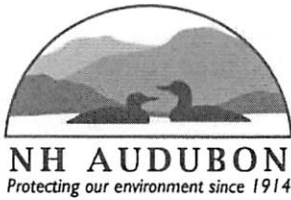
Existing law gives New Hampshire Department of Environmental Services (NHDES) authority to establish MCLs for PFAS in surface waters, and NHMA's understanding is that NHDES has been conducting studies and analyzing other scientific studies to determine what, if any, MCL is appropriate for PFAS in surface water. Until NHDES has been given the opportunity to conduct its regulatory analysis, it would be inappropriate to adopt a surface water standard.

Additionally, aside from any debate over the scientific basis for listing these compounds at this level, it is likely that untold millions of dollars will be needed to address any existing or future PFAS contamination. Part of NHDES's regulatory analysis will inquire into the feasibility of treatment and an assessment of costs. Without that additional information and additional state and federal funds, enacting this bill would burden New Hampshire municipalities with the costs of cleanup and not provide the additional monies or even an estimate of the additional monies needed to perform such cleanup. As such, we ask the committee to vote HB 1167 Inexpedient to Legislate.

Sincerely,

Natch Greyes
Government Affairs Counsel

cc: Committee members



January 19, 2022

The Honorable Andrew Renzullo
House Resources, Recreation, and Development Committee
Legislative Office Building Room 305
Concord, NH 03301

STATEWIDE OFFICES

84 Silk Farm Road
Concord, NH 03301
Phone 603-224-9909
Fax 603-226-0902
nha@nhaudubon.org
www.nhaudubon.org

REGIONAL CENTERS

MASSABESIC CENTER

26 Audubon Way
Auburn, NH 03032
Phone 603-668-2045

MCLANE CENTER

84 Silk Farm Road
Concord, NH 03301
Phone 603-224-9909

NEWFOUND CENTER

Summer Mailing Address:
50 North Shore Road
Hebron, NH 03241
Location:
290 North Shore Road
Hebron, NH 03241
Phone 603-744-3516

Re: Opposition to HB1167 establishing a maximum contaminant level for perfluorinated chemicals in surface water.

Dear Chair Renzullo and Members of the Committee:

Thank you for this opportunity to provide testimony regarding HB1167 on behalf of NH Audubon. We are a statewide conservation organization dedicated to protecting New Hampshire's environment for wildlife and for people.

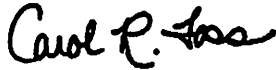
There is mounting evidence that PFAS chemicals accumulate in aquatic wildlife. Research by the Loon Preservation Committee has shown that all 81 unviable loon eggs collected from New Hampshire loon nests during 1993-2019 and tested for contaminants contained some amount of PFAS; more than 60% of these eggs had contaminants in concentrations greater than those shown to be toxic to other bird species (Grade and Vogel 2021). To protect human health, the Department of Environmental Services recently issued consumption advisories for fish caught in five New Hampshire lakes (NHDES 2021). Thus, we are concerned that PFAS in surface waters is likely having significant effects on fish, aquatic birds, and other wildlife.

However, we feel strongly that **all water quality standards should be set through rulemaking by the responsible agency** (NHDES), not by legislative action. Rulemaking by qualified scientific professionals helps ensure that standards reflect the best available science and thus best protect public interests. The rulemaking process includes safeguards intended to ensure standards are set in a way that is accountable, transparent, and able to be updated as new information becomes available.

We are still learning much about the various PFAS chemicals and how they accumulate in ecosystems. Setting water quality standards by rule, rather than by legislation, provides the critical flexibility necessary to reflect evolving science. The flexibility of rule-making also enables water quality standards to and remain consistent with other federal and state efforts to address the detrimental effects to the public and to wildlife from PFAS chemicals.

While this bill is well intentioned, enactment would prevent efficient response to emerging data regarding safe levels of PFAS chemicals in the surface waters of New Hampshire. We urge you to vote HB1167 **inexpedient to legislate.**

Sincerely,



Carol R. Foss
Senior Advisor for Science and Policy

Citations:

Grade, Tiffany, and Harry Vogel. Loon Preservation Committee. 2021. "Contaminants in Loon Eggs in New Hampshire." Available online at <https://loon.org/wp-content/uploads/2021/11/LPC-Egg-Contaminant-Report-2021.pdf>

New Hampshire Department of Environmental Services (NHDES). November 4, 2021. "NHDES Issues New Fish Consumption Advisories for 5 Lakes in Southern New Hampshire, Elevated Levels of Perfluorooctane Sulfonic Acid (PFOS) Detected in Fish Tissue."

Heather Goley

From: Laurene Allen <alaurene@gmail.com>
Sent: Sunday, January 16, 2022 4:39 PM
To: ~House Resources Recreation and Development
Cc: Bill Boyd
Subject: NH House Remote Testify: Wed 1/19, 1:45 pm - HB1167 in House Resources, Recreation and Development

Good afternoon esteemed members of the NH House Resources, Recreation and Development Committee,

I am a long time resident of Merrimack and a cofounder of a citizen group, Merrimack Citizens for Clean Water, that community members formed after the discovery of PFAS chemicals in our drinking water back in 2016. I support HB 1167, sponsored by Representative Bill Boyd as he is aware of the far reaching impacts of environmental contamination by PFAS on communities from a multitude of perspectives. It is well known that thousands of residents in the greater Merrimack area including Litchfield, Londonderry, Bedford and Amherst have been grappling with the an extensive investigation into the presence of PFAS chemicals in our drinking water for several years now. In the course of this process we have learned as communities we do not have the right to stop contamination at the source. For example, despite Saint Gobain being identified by the state of NH as a responsible party for environmental contamination in Merrimack, as well as years of reports showing data of an extensive panel of PFAS compounds in both on site and offsite testing in this area, Saint Gobain is allowed to continue environmental discharges. According to the EPA and the CDC/ATDSR, there are similar qualities to many PFAS compounds with similar impacts to health, qualities of persistence in the environment and similar pathways in every community where a source of PFAS is found. Establishing MCLs for surface waters including the 6 PFAS with the most stringent research and capping the cumulative sum at 20ppt is a direction that makes sense as it allows waterways that are sources of drinking water, such as the Pennichuck system, and also carry these chemicals out into the environment at large to be protected from discharges. This bill will give towns and municipalities the rights they need to ensure that our aquifer protection zones, recreational use of waterways, wildlife and environment at large are better protected from a class of chemicals that has proven costly to communities in addition to harmful.

Thank you,

Laurene Allen
16 French Court
Merrimack, NH 03054
(603) 494-8395

Heather Goley

From: Kathy K <alfadva33@hotmail.com>
Sent: Thursday, January 13, 2022 12:34 PM
To: ~House Resources Recreation and Development
Subject: HB1167

I am writing to urge you to support this bill. We need to hold businesses and other entities responsible for poisoning our water.

Thank you
Kathy Komar
Merrimack



The State of New Hampshire
Department of Environmental Services



Robert R. Scott, Commissioner

January 18, 2022

The Honorable Andrew Renzullo
Chairman, House Resources, Recreation and Development Committee
Legislative Office Building, Room 305
Concord, NH 03301

RE: HB 1167 –AN ACT establishing a maximum contaminant level for perfluorinated chemicals in surface water.

Dear Chairman Renzullo and Members of the Committee:

Thank you for the opportunity to comment on HB 1167. This bill establishes maximum contaminant levels (MCLs) for six perfluorinated chemicals (PFAS) in surface waters.

This bill would commit the four existing PFAS MCLs to statute for surface waters, add Perfluorobutyrate (PFBA): seven parts per trillion and Perfluorobutanesulfonic acid (PFBS): 1000 parts per trillion, and create a combined criteria. The Department of Environmental Services (Department) is opposed to the bill for the following reasons:

- 1) **PFBA:** Draft toxicological data for PFBA from the United States Environmental Protection Agency (USEPA) can be used to calculate a drinking water toxicological value that is well over 1000 parts-per-trillion. The basis of the proposed MCL of seven parts-per-trillion is not supported by scientific evidence at this time.
- 2) **PFBS:** The proposed MCL for PFBS of 1000 parts-per-trillion is roughly in line with what the Department has estimated a drinking water toxicological value would be. However, PFBS has not been found in drinking water in New Hampshire at these levels to date. Where PFBS is found at levels exceeding 1000 parts-per-trillion in groundwater that is not currently being used as drinking water, one or more of the existing standards for PFOA, PFOS, PFNA and PFHxS are already being exceeded. Additionally, the proposed MCL of 1000 parts-per-trillion for PFBS is undermined by the provision of the bill that establishes an MCL of 20 parts-per-trillion for PFOA, PFOS, PFNA, PFHxS, PFBA and PFBS all combined. This would make the *de facto* standard of PFBS to be 20 parts-per-trillion.
- 3) **PFOA, PFOS, PFNA, PFHxS, PFBA and PFBS all combined:** At this time, the Department is not recommending a class-based approach for the regulation of these compounds. Comprehensive review of scientific literature indicated that differences in the most sensitive health effects, individual toxicokinetics, and a lack of relative potency factors for PFAS do not

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(603) 271-3503 • Fax: 271-2867 TDD Access: Relay NH 1-800-735-2964

support the assumption of identical (i.e., 1-to-1) risks from exposure. Additionally, variation in the combinations of functional groups and carbon chain length appear to produce differences in biological activity (e.g. receptor and protein affinity) and the half-lives of individual PFAS. The Department is aware that this is an active area of research and is, therefore, continuing to monitor publications on methods for this approach. Should a robust and scientifically-defensible approach to group regulation be developed, the Department will consider its application in future development of drinking water standards for PFAS.

- 4) NHDES is about to release a set of draft surface water quality standard changes that encompass the four PFAS MCLs that are approved in statute, so this bill is redundant and further complicates future updates in that the statute will need to change in multiple RSAs every time the MCL changes. MCL development should be led by the drinking water programs for drinking water. That is their origin. Annual reporting is not needed. States are required to reexamine surface water quality standards every three years. Any future changes to MCLs should be made based on latest science and will be adopted as MCLs and then into the rules changes to Env-Wq 1700.

Finally, as noted in the fiscal note for HB 1618-FN, there may be costs associated with implementation of these standards. MCLs, as surface water quality standards, apply 20 miles upstream of a drinking water supply. We do not have PFAS data for most of the waters that would be affected by this bill. In addition, there are over 30 municipal wastewater treatment plants and over 30 industrial discharge permittees located in the area 20 miles upstream of drinking water supplies. The cost for sampling and potential treatment are undeterminable at this point. We suggest that a better approach would be to simply instruct NHDES to adopt MCLs that apply to surface waters used for drinking water as they are developed for drinking water purposes.

Thank you again for the opportunity to comment on HB 1167. Should you have questions, or need additional information, please feel free to contact either Ted Diers, Watershed Management Bureau Administrator, at 603-271-3289 or ted.diers@des.nh.gov, or Rene Pelletier, Water Division Director at (603) 271-2951 or rene.pelletier@des.nh.gov.

Sincerely,



Robert R. Scott
Commissioner

ec: Sponsors of HB 1167 Representatives Boyd, Myler, and Woodcock



25 WALNUT STREET
PO BOX 428
NASHUA, NH 03061-0428

(603) 882-5191
FAX (603) 913-2305

WWW.PENNICHUCK.COM

January 18, 2022

Letter Submission on HB 1167

We are providing this letter in lieu of providing testimony in person for the hearing on the above referenced bill; ***HB 1167 – AN ACT establishing a maximum contaminant level for perfluorinated chemicals in surface water***. This letter is intended to ask some pertinent questions as to this bill, and its broad nature related to surface water, from the perspective of a regulated water utility in the State of New Hampshire which sources a great amount of its raw water from surface water sources in the state.

- It appears that this bill is intending to establish raw water standards equivalent to the drinking water standards for PFAS compounds, as currently exists in the state. To that end, is it intending that surface water sources in the state must meeting the drinking water standards for these compounds without treatment, unlike other elements that must be treated for to comply with drinking water standards?
- Is this bill intending to be applied to any and all surface water sources in the state regardless of their intended purpose? Or are surface water sources that are used as sources of supply to and through a water treatment plant, in order to meet EPA and NHDES drinking water standards intended to be treated differently?
- If a surface water supply does not meet these specified levels, what are the implications for that surface water body?
- The standards referenced, as in line with current State of NH MCL's for PFAS, are drinking water standards, based upon certain empirical data as it relates to consumption purposes (as we understand it), and as set by the NHDES or EPA in establishing those standards for potable water.
- What are the intended implications upon large public water suppliers in the state such as our companies and other private or municipal systems, that use surface water sources as their primary source of supply to treat water for potable consumption? Will the use of those surface water supplies be impeded? And, if so, what alternatives would be available to those public water systems that serve thousands of residents in the state? Who would be responsible for bringing those raw surface water sources under those imposed limits?

We respectfully ask these questions as points to be considered in this bill, and for which answers would be needed should such a bill be put into law.

Sincerely,

/s/ Larry D. Goodhue

CEO Pennichuck Corporation

Cc: Teresa Rosenberger, Bernstein Shur

Heather Goley

From: Victoria Courtland <2victoriacourtland@gmail.com>
Sent: Wednesday, January 19, 2022 3:25 PM
To: ~House Resources Recreation and Development
Subject: HB 1532
Attachments: Pea Porridge Ponds elevation profile from 2019 dam inspection LPPP.pdf; Dam Inspection LPPP 20190612 D149004 HH Report.pdf; letter re dam legislation 2022.01.18 HB 1532 LOTF - Dam-Big Pea Porridge Pond 011921 MAP attached with VDOE limits PJM DRAFT.pdf; MadisonBASE-Map-107 showing E end of Eidelweiss zone.pdf; Victoria Forester Courtland_Testimony on HB 1532_1_19_22.docx

Dear Chairman Renzullo and Committee Members:

Thank you for giving me the opportunity to provide testimony during the hearing of House Bill 1532 this afternoon. I am sending the letter I read today, along with the additional comments I included based on the new information I learned during the process.

As an ecologically-minded shoreline homeowner, I have worked with the NH Lakes Association to make the necessary changes to my property in order to attain LakeSmart status. This would not have been possible without the help of my generous friends, some of whom are here today with various perspectives on the bill before us. I feel confident that all of my neighbors are concerned with the health of the pond and want to take the steps necessary to restore and conserve its ecosystem even though we may have differing viewpoints on how to achieve that goal. Nevertheless, I am optimistic that we can come together when we make decisions informed by science to determine the best path forward.

Only last Thursday did I learn of the proposed House Bill 1532 through an email invitation to a Zoom meeting on the following Monday, hosted by two of the five members of the Big Pea Porridge Pond Association. This small group of part-time residents is a different organization than the Big Pea Porridge Watershed Preservation Association, of which I am a member. The latter holds 501(c)3 status and is managed by a full board, which serves a 70-person membership that continues to increase. Today I am here to propose that if this bill is not killed by opposition, it should be **amended to authorize the formally incorporated non-profit Big Pea Porridge Watershed Preservation Association, which represents a majority of the shoreline and watershed residents, as the entity that may construct and manage a dam on the pond, overseen by NH Dam Bureau, the NHDES, and other appropriate regulatory agencies.**

In the several days since I learned of the bill, I have not had adequate time to do enough research to determine whether a dam would aid or harm Big Pea. I understand the water quality issues faced by the pond are complex due to a variety of environmental pressures and pollutants. When it comes to the topic of water fluctuation, a study was conducted by wetland scientists that determined it is physically impossible for the Little Pea Porridge Pond dam to cause a drop of more than 6" in Big Pea and, then, only in limited circumstances (please see attached study results). Therefore, I fear that adding a dam to solve the problem of blatant mismanagement of another dam downstream may be a shortsighted solution during a time in history when we can be far more innovative in our approaches to wetland restoration and conservation.

In the past couple of days, I have come to understand that—as a great pond—Big Pea is held in Public Trust and that the New Hampshire legislature enacted statutes for the state's Department of Environmental Services to regulate activities that take place within that Trust. The 1532 bill proposal needs to be carefully examined by specialized bureaus in the DES, because a dam that controls water levels at Big Pea will have impacts on grandfathered septic systems along the waterfront, overall water quality, and the fish, amphibians, loons and eagles, and other animals—including humans—that depend on a healthy ecosystem. Currently, there has been no comprehensive, professional Ecological Impact Evaluation completed to assess these concerns and I believe doing so is necessary to proceed. If it turns out that a dam is the appropriate solution, let's take the time to do it right so that we are not in a position of having to remediate further ecological damage in the future to an already overburdened pond.

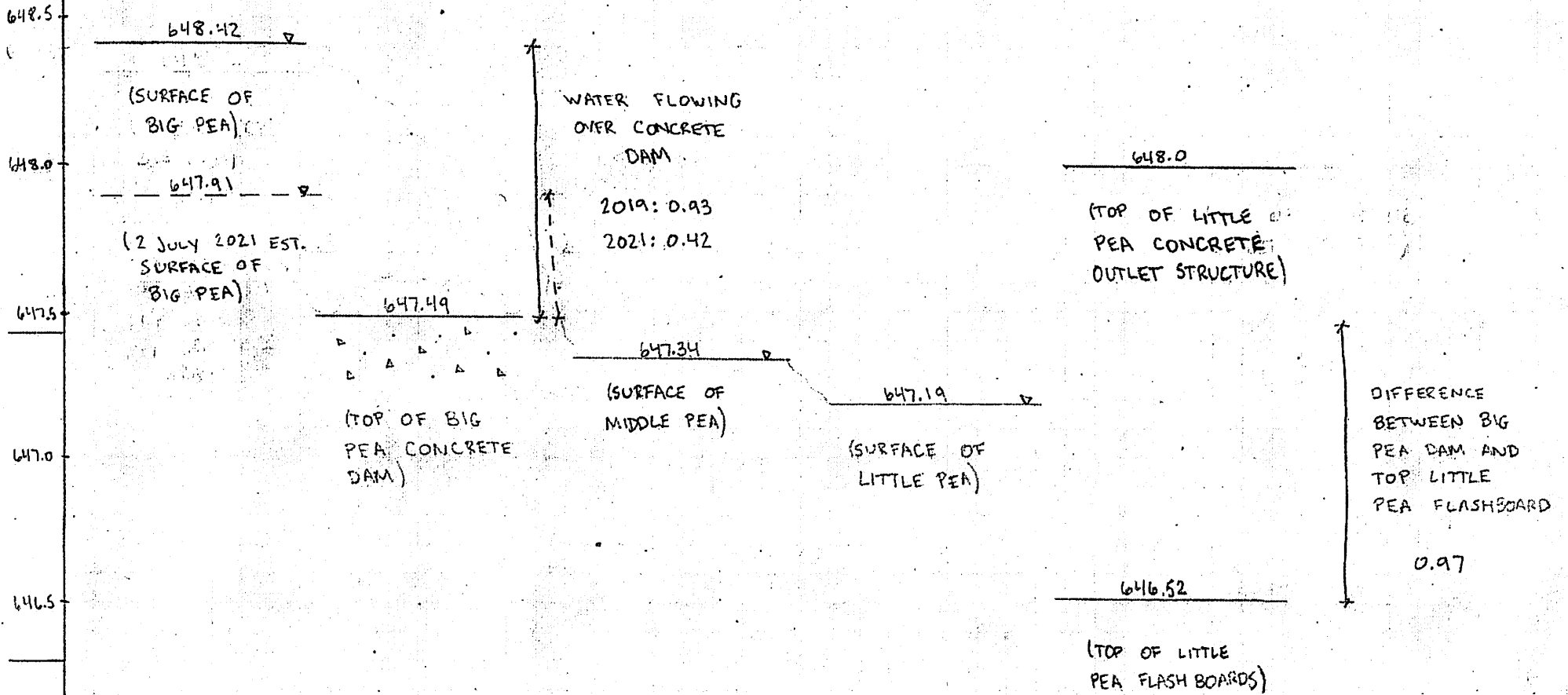
Much of today's testimony has been focused on the Village District of Eidelweiss' (VDOE) lack of adequate dam management on Little Pea Porridge Pond. Indeed, that is the primary reason we have assembled to discuss adding a dam to Big Pea Porridge Pond. Today, John and Terri Cancelarich stated during their testimony that the Village District of Eidelweiss should be authorized to build and manage the dam on Big Pea, which, given that corporation's record, simply does not make sense. Again, should this legislation move forward, it must be amended to authorize the formally incorporated non-profit Big Pea Porridge Watershed Preservation Association, which represents a majority of the shoreline and watershed residents—including the Cancelarich family, as members—as the entity that may construct and manage a dam on the pond, overseen by NH Dam Bureau, the NHDES, and other appropriate regulatory agencies.

Thank you for taking the time to listen to my testimony and consider this perspective.

Sincerely,

Victoria Forester Courtland

2 JULY 2021



NOTES:

1. UNLESS OTHERWISE NOTED, MEASUREMENTS FROM 2019 H+H SURVEY.

Dam Inspection/H&H Analysis Form

Dam number: D149004
Hazard Classification: Low, recommend upgrading to Significant
Condition Assessment: Fair
Dam name(s): Pea Porridge Pond Middle & Little Dam
Town: Madison
Date of inspection/s: May 29 & June 5, 2019
Inspector: Charlie Krautmann
Inspection Attendees: Adam Leiser (Commissioner), Kelly Robitaille (Highway Dept) and other abutters to the ponds
Water level: ~0.48' flowing over the stoplog bay and 0.81' below the top of the concrete drop inlet structure.
Report date: June 12, 2019

Pertinent Data:

Maximum Height:	17 ft	Storage:	210 ac-ft perm, 406 ac-ft max.*
Overall Length:	~175 ft**	Drainage Area:	2.7 mi ² or 1,731 acres
Pond Area:	46 acres		
Design event:	100-year storm		
50 Year Storm:	536 cfs inflow routed to 136 cfs outflow w/ 3.25 ft of freeboard		
100 Year Storm:	640 cfs inflow routed to 154 cfs outflow w/ 3.01 ft of freeboard		
Discharge Capacity:	342 cfs w/1-ft fbd- no operations		
	1,012 cfs no fbd-no operations		

Type of Construction: Earth embankment
Construction Date: 1966
Outlet Works:

- 1 – 60' long, concrete culvert that is 48" wide and 60" high that controls outflow from the stoplog bay and horizontal orifice
- 1 – 3' wide stoplog bay (Design Drawings suggest it is 11' high)
- 1 – Horizontal Orifice/Grate that is 6.0' wide and ~5.2' long
- 1 – Auxiliary Spillway on Left Abutment/Beach Area along Eidelweiss Drive that diverts flow through downstream playground. Design drawings suggest invert is 80' wide

* Storage Volumes based on previous analysis

** Excluding auxiliary spillway

Dam Inspection Observations:

Feature	Observation	Type M/S/ NA*
Downstream embankment	<ul style="list-style-type: none"> • Entire embankment covered with saplings, brush and trees 	M
Spillway	<ul style="list-style-type: none"> • Concrete has a significant amount of exposed aggregate • Crack/leakage observed in concrete drop structure along the left wall, a few feet below the top of the structure. 	M/S S
Auxiliary Spillway	<ul style="list-style-type: none"> • Trees and boat racks would impede flow at the approach to the auxiliary spillway 	M

	<ul style="list-style-type: none"> Eidelweiss Drive acts as spillway 	NA
Dam owner interview/comments	<ul style="list-style-type: none"> See discussion below. 	NA

*Type of Deficiency: M-Maintenance; S-Structural; NA-Not Applicable

Downstream Hazard Review:

Feature	Dist. d/s (miles/feet)	Observation
D149004/Eidelweiss Drive	0'	If dam completely failed, it would sever access across Eidelweiss Drive
Grachen Drive	~1,780'	60" diameter corrugated metal culvert below a gravel (Village District) road
NH Rte. 113	~3,780	Concrete box culvert that is 68" wide and 63" high
Upper Pequawket Pond	~14,500'	NA

Hazard Classification/Justification – Low to Significant hazard, Dam Breach Analysis:

Date of last breach analysis	1979 & 1991
Requires updated analysis	No

- Grachen Drive and NH Rte. 113 are the only apparent downstream structures that have the potential to be overtopped prior to the breach being attenuated by the Pequawket River.
- A cross-section was created for the residential structure on Winnigon Drive (owner Larry Leonard) that sits close to the river. Based on the model, the house remains untouched by both breach scenarios. All other residential structures are much higher than the river bed and would not be impacted by a breach. This remains true for residential structures on Grachen Drive, Bergdorf Place, Brookstone Lane and Pebblebrook Lane.

Breach Assumptions

- Bottom Elevation: 642.71' (Based on pond bottom during survey. Culvert invert is 636.698', ie. conservative estimate).
- Breach Height: 8.0' (Dam Height is 17.0', ie. conservative estimate).
- Bottom Width: 12.0' (Based on outlet configuration and steep valley slopes).
- Start Time: 12.2 hours (Based on peak inflow at 12.65 hours).
- Breach Time: 0.4 hours

Grachen Drive

- 50 Year Storm:** 136 cfs inflow routed to 136 cfs outflow w/ 3.11 ft of freeboard
- 100 Year Storm:** 154 cfs inflow routed to 154 cfs outflow w/ 2.61 ft of freeboard
- Sunny-Day Breach:** 356 cfs inflow routed to 356 cfs outflow w/ 0.75 ft of overtopping
- 50 Yr Storm & Breach:** 477 cfs inflow routed to 477 cfs outflow w/ 1.10 ft of overtopping
- 100 Yr Storm & Breach:** 504 cfs inflow routed to 504 cfs outflow w/ 1.16 ft of overtopping

NH Route 113

- 50 Year Storm:** 555 cfs inflow routed to 555 cfs outflow w/ 0.70 ft of overtopping
- 100 Year Storm:** 692 cfs inflow routed to 692 cfs outflow w/ 0.91 ft of overtopping
- Sunny-Day Breach:** 356 cfs inflow routed to 356 cfs outflow w/ 0.20 ft of overtopping

- **50 Yr Storm & Breach:** 976 cfs inflow routed to 976 cfs outflow w/ 1.24 ft of overtopping
- **100 Yr Storm & Breach:** 1,112 cfs inflow routed to 1,112 cfs outflow w/ a maximum of 1.37 ft of overtopping. Road overtops for 8+ hours

Hydrologic/Hydraulic Analysis:

Required Discharge Capacity Env-Wr 303.11 or 403.04	100-year
Date of last analysis	2019
Meets current discharge requirement with required freeboard	Yes
If "N", does dam overtop during design event?	No
Requires updated analysis	No

- H&H performed with HydroCAD 10.00 using Atlas 14 precipitation
- 50-year, 24 hr. rain = 6.43 inches
- 100- year, 24 hr. rain = 7.17 inches
- DA = 2.7 mi² or 1,731 acres
- NHDES Dam Safety and a Surveyor from the Engineering & Construction Section surveyed (via differential leveling) the appurtenant structures along all three ponds on June 5th, 2019. The following elevations are based on that survey which have an accuracy of ±0.1'.
- **Little Pea Porridge Pond/Dam**
 - Water Surface Elevation = 647.19'
 - Water Surface Elevation at Middle Pea = 647.34'
 - Top of Stoplogs = 646.52'
 - Top of Concrete/Drop Inlet = 648.0'
 - Invert of Culvert (In & Out) = 636.69'
 - Pond Bottom In Front of Drop Inlet = 643.29'
 - Crest of Road Above Culvert = 652.44'
 - Control Point of Auxiliary Spillway = 650.69'
- **Big Pea Porridge Pond/Dam**
 - Water Surface Elevation = 648.42'
 - Control Point of Outlet (man-made, concrete) = 647.49'
 - Pond Bottom 10' Upstream of Control Point = 645.89'
 - Stream Bottom 25' Downstream of Control Point = 647.19'
 - Water Surface Elevation 50' Downstream of Control Point = 647.69'
- **Big Loop Road**
 - Water Surface Elevation Upstream of Culvert= 647.37'
 - Water Surface Elevation Downstream of Culvert= 647.35'
 - Water Surface Elevation at Middle Pea (900' downstream) = 647.34'
 - Crest of Road Above Culvert = 652.38'
 - Crest of Road Right Abutment (low spot) = 651.57'
 - Culvert Invert Upstream = 645.40'
 - Culvert Invert Downstream = 645.74'

Operations, Maintenance, and Response Form:

Plan on file, updated, and meets current requirements	No
---	----

- An OMR was submitted in August of 2016 although reflects the dam as a low hazard

structure. The OMR should be reviewed and updated and the hazard classification should be changed to Significant.

Emergency Action Plan:

EAP on file, up to date, meets current requirements	No
---	----

- An EAP is required based on the dam being upgraded (from a Low hazard dam) to a Significant hazard dam. A Simplified Inundation Map (Env-Wr 503.02) should be applicable in this case as only 2 structures (State and Town Road) in the near vicinity of the dam are impacted. Therefore, the owner would be exempt from a breach analysis (based on Env-Wr 502.02).

Access and Security:

- The dam is accessed by vehicle approximately 0.5' miles east of NH Route 113 at the main entrance to Eidelweiss Village District on Eidelweiss Drive. The beach area acts as the right abutment. There are a handful of houses that overlook the beach and dam area. The stoplog bay is padlocked although all areas of the dam are easily accessed by foot.

Directions:

- Take NH Rte. 16 (Chocorua Mountain Highway) to the intersection of NH Rte. 113 south in Albany/Conway. Head south on NH Rte. 113 for ~2.25 miles and then take a left (east) onto Eidelweiss Drive. The dam is approximately 0.5' miles east of NH Route 113 at the main entrance to Eidelweiss Village District on Eidelweiss Drive

Design:

- 1965, October 22 – Drawings received by L.F. Brown, Engineer (Concord, NH) for design of Dam & Roadway at Eidelweiss for Great Northern Land Corporation (Title Sheet and 3 Drawings). Sheet C1 was revised and resubmitted on December 8, 1965.
 - Sheet C1 – Control Structure Design at Outlet of Both Big Pea and Middle Pea to maintain elevation 648.0'
 - Sheet C2 – Auxiliary Spillway 80' wide with invert of 649.5'
 - Sheet C2 – Crest of Dam = 652.0'
 - Sheet C2 – Outlet Invert U/S = 637.0'
 - Sheet C2 – Outlet Invert D/S= 636.89' (Slope of 0.2%)
 - Sheet C2 – Design Elevation of Pond and Top of Stoplogs = 648.0'



Ongoing Discussions with:

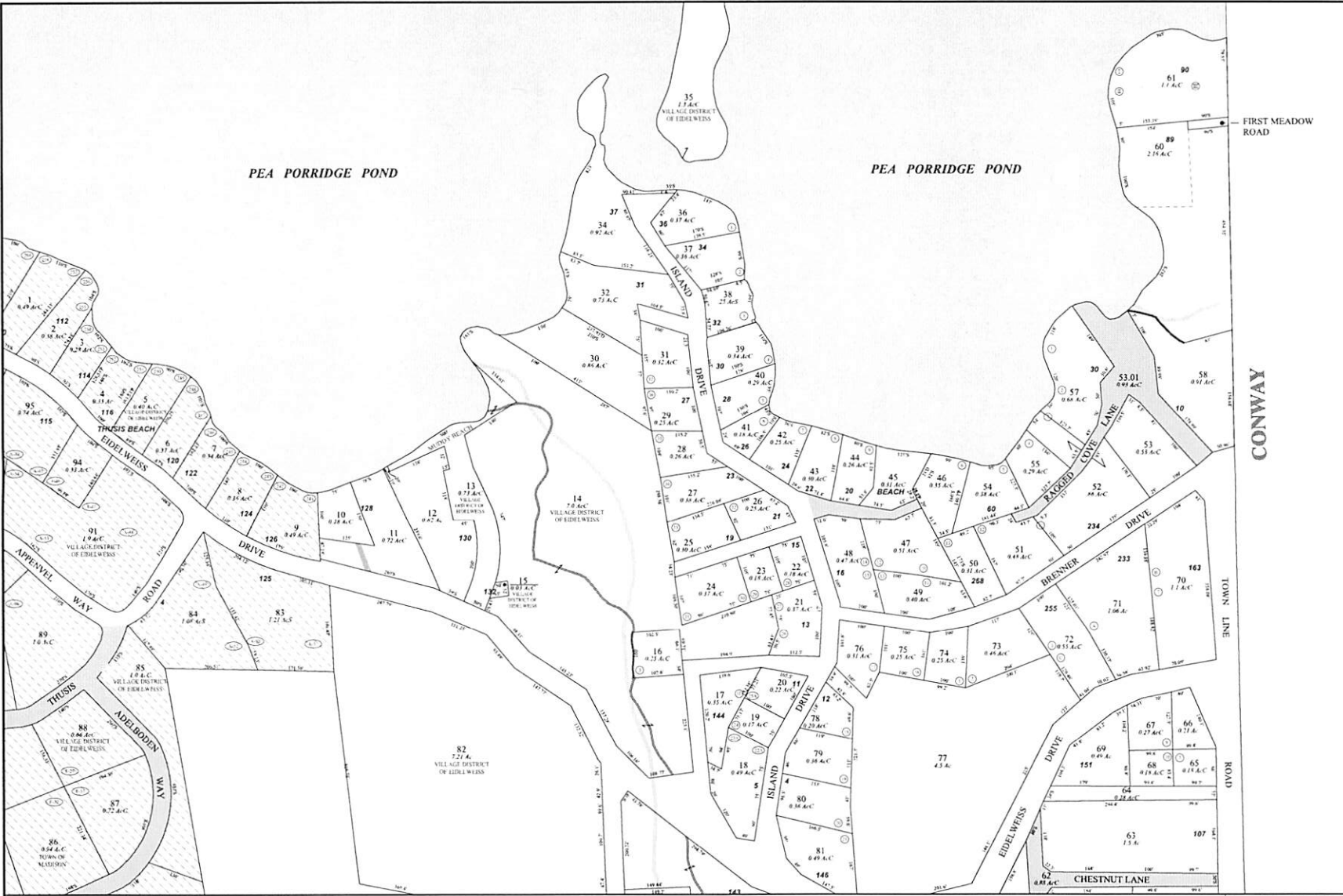
John Cooley – Senior Biologist with the Loon Preservation Committee: jcooley@loon.org
Carol Henderson – NHF&G Environmental Review Coordinator: Carol.Henderson@wildlife.nh.gov
Terri Warren: warrenterri@yahoo.com
Terri Cancelarich – VDOE Resident & Big Pea abutter: TLcancelarich@wellington.com
John Cancelarich – VDOE Resident & Big Pea abutter: cancelarich@yahoo.com
Larry Leonard – VDOE Resident: skiman194@aol.com
Rob Galante – Big Pea abutter: robgalante@eastcoastflies.com
Nancy Cole – VDOE Administrator: office@vdoe-nh.org & Commissioners:
commissioner1@vdoe-nh.org, commissioner2@vdoe-nh.org, commissioner3@vdoe-nh.org



Legend
● Property
■ Water
○ City

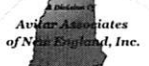
Map Scale
1:2,000
NH GRANIT INCORPORATED
1000 GRANITE AVENUE
DURHAM, NH 03824





Terra-Map

PHONE 603.796.4419 FAX 603.796.4241



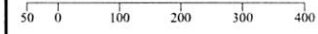
www.terra-map.com
TerraMap@terra-map.com

Town of
MADISON
Carroll County
New Hampshire

LEGEND

- Parcel Number(PID) 12
- Parcel Acreage 2 Ac.
- Frontage (feet) 200'
- Lakes and Ponds
- Rivers
- Wellands
- Power Lines
- Railroad
- Buildings/911 Number
- ROW/Private RD/Class A Trail
- Class VI/Undeveloped RD
- Commercial Zone
- Village Zone
- Eidelweiss Zone

SCALE



MAP
107

Revised April 1, 2018

For Assessment Purposes
Not to be used for conveyances

MAP NOTES:

Victoria Forester Courtland
652 Allard Hill Road
Madison, NH 03818

Rcsources, Recreation and Development Committee
The General Court of New Hampshire
107 North Main Street
Concord, NH 03301

January 19, 2022

Dear Chairman Renzullo and Committee Members:

Thank you for giving me the opportunity to provide testimony during the hearing of House Bill 1532 this afternoon. I am sending the letter I read today, along with the additional comments I included based on the new information I learned during the process.

As an ecologically-minded shoreline homeowner, I have worked with the NH Lakes Association to make the necessary changes to my property in order to attain LakeSmart status. This would not have been possible without the help of my generous friends, some of whom are here today with various perspectives on the bill before us. I feel confident that all of my neighbors are concerned with the health of the pond and want to take the steps necessary to restore and conserve its ecosystem even though we may have differing viewpoints on how to achieve that goal. Nevertheless, I am optimistic that we can come together when we make decisions informed by science to determine the best path forward.

Only last Thursday did I learn of the proposed House Bill 1532 through an email invitation to a Zoom meeting on the following Monday, hosted by two of the five members of the Big Pea Porridge Pond Association. This small group of part-time residents is a different organization than the Big Pea Porridge Watershed Preservation Association, of which I am a member. The latter holds 501(c)3 status and is managed by a full board, which serves a 70-person membership that continues to increase. Today I am here to propose that if this bill is not killed by opposition, it should be **amended to authorize the formally incorporated non-profit Big Pea Porridge Watershed Preservation Association, which represents a majority of the shoreline and watershed residents, as the entity that may construct and manage a dam on the pond, overseen by NH Dam Bureau, the NHDES, and other appropriate regulatory agencies.**

In the several days since I learned of the bill, I have not had adequate time to do enough research to determine whether a dam would aid or harm Big Pea. I understand the water quality issues faced by the pond are complex due to a variety of environmental pressures and pollutants. When it comes to the topic of water fluctuation, a study was conducted by wetland scientists that determined it is physically impossible for the Little Pea Porridge Pond dam to cause a drop of more than 6" in Big Pea and, then, only in limited circumstances (please see attached study results). Therefore, I fear that adding a dam to solve the problem of blatant mismanagement of

another dam downstream may be a shortsighted solution during a time in history when we can be far more innovative in our approaches to wetland restoration and conservation.

In the past couple of days, I have come to understand that—as a great pond—Big Pea is held in Public Trust and that the New Hampshire legislature enacted statutes for the state’s Department of Environmental Services to regulate activities that take place within that Trust. The 1532 bill proposal needs to be carefully examined by specialized bureaus in the DES, because a dam that controls water levels at Big Pea will have impacts on grandfathered septic systems along the waterfront, overall water quality, and the fish, amphibians, loons and eagles, and other animals—including humans—that depend on a healthy ecosystem. Currently, there has been no comprehensive, professional Ecological Impact Evaluation completed to assess these concerns and I believe doing so is necessary to proceed. If it turns out that a dam is the appropriate solution, let’s take the time to do it right so that we are not in a position of having to remediate further ecological damage in the future to an already overburdened pond.

Much of today’s testimony has been focused on the Village District of Eidelweiss’ (VDOE) lack of adequate dam management on Little Pea Porridge Pond. Indeed, that is the primary reason we have assembled to discuss adding a dam to Big Pea Porridge Pond. Today, John and Terri Cancelarich stated during their testimony that the Village District of Eidelweiss should be authorized to build and manage the dam on Big Pea, which, given that corporation’s record, simply does not make sense. Again, should this legislation move forward, it must be amended to authorize the formally incorporated non-profit Big Pea Porridge Watershed Preservation Association, which represents a majority of the shoreline and watershed residents—including the Cancelarich family, as members—as the entity that may construct and manage a dam on the pond, overseen by NH Dam Bureau, the NHDES, and other appropriate regulatory agencies.

Thank you for taking the time to listen to my testimony and consider this perspective.

Sincerely,

Victoria Forester Courtland

Incl. Four Attachments:

- Madison BASE-Map-107 showing E end of Edelweiss zone.pdf
- Letter re dam legislation 2022.01.18 HB 1532 LOTF-Dam-Big Pea
- Dam Inspection LPPP 20190612D149004HA Report.pdf
- Pea Porridge Ponds elevation profile from 2019 dam inspection LPPP.pdf

Heather Goley

From: Diers, Ted <THEODORE.E.DIERS@des.nh.gov>
Sent: Wednesday, January 19, 2022 5:02 PM
To: Rosemarie Rung; ~House Resources Recreation and Development
Cc: Bill Boyd
Subject: PFAS in surface waters -- NHDES plan

Hello members of RR&D,

Representative Boyd asked me to send along the NHDES plan for standards for PFAS in surface waters that we published in 2020. This was sent to the General Court at the time but has likely disappeared amongst the hordes of emails that you all receive.

Here is the link to the report -- [Plan to Generate PFAS Surface Water Quality Standards-Prepared for the New Hampshire Legislature in Accordance with Chapter 368, Laws of 2018 \(nh.gov\)](#)

This report outlined the potential costs of developing standards for PFAS compounds for which MCLs or other guidance do not exist. This may be helpful in your deliberations on HB 1167 and HB 1440.

Please let me know if you have any questions and have any trouble downloading the document.

Thanks,
Ted

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HB 1167 - AS INTRODUCED

2022 SESSION

22-2201

08/10

HOUSE BILL **1167**

AN ACT establishing a maximum contaminant level for perfluorinated chemicals in surface water.

SPONSORS: Rep. B. Boyd, Hills. 21; Rep. Myler, Merr. 10; Rep. Woodcock, Carr. 2

COMMITTEE: Resources, Recreation and Development

ANALYSIS

This bill establishes maximum contaminant levels for perfluorinated chemicals in surface water.

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.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Two

AN ACT establishing a maximum contaminant level for perfluorinated chemicals in surface water.

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

1 1 New Paragraphs; Perfluorochemicals. Amend RSA 485-A:8 by inserting after paragraph IX
2 the following new paragraphs:

3 X. The maximum contaminant levels in surface waters for the following shall be:

4 (a) Perfluorooctanoic acid (PFOA): 12 parts per trillion.

5 (b) Perfluorooctanesulfonic acid (PFOS): 15 parts per trillion.

6 (c) Perfluorohexanesulfonic acid (PFHxS): 18 parts per trillion.

7 (d) Perfluorononanoic acid (PFNA): 11 parts per trillion.

8 (e) Perfluorobutyrate (PFBA): 7 parts per trillion.

9 (f) Perfluorobutanesulfonic acid (PFBS): 1000 parts per trillion.

10 (g) The total contaminant levels of subparagraphs (a) through (f): 20 parts per trillion.

11 XI. By November 1, 2023, and at least annually thereafter, the commissioner of the
12 department of environmental services shall report to the speaker of the house of representatives and
13 the president of the senate, the chairperson of the house committee on science, technology, and
14 energy, the chairperson of the senate committee on energy and natural resources, the chairperson of
15 the joint legislative committee on administrative rules, and the governor, with a recommendation
16 regarding the adjustment of the maximum contaminant levels set in paragraph X.

17 XII. The commissioner of the department of environmental services may adopt maximum
18 contaminant levels different than those set forth in paragraph X if, accounting for an adequate
19 margin of safety to protect human health at all life stages, including but not limited to prenatal
20 development, the commissioner determines the maximum contaminant levels in paragraph X need
21 adjustment for the protection of human health.

22 2 Effective Date. This act shall take effect 60 days after its passage.