

Amendment to HB 463-FN

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

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3 AN ACT regulating groundwater pollution caused by polluting emissions in the air and relative
4 to standards for emerging contaminants in drinking water.
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6 Amend the bill by inserting after section 2 the following and renumbering the original section 3 to
7 read as 5:

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9 3 New Subdivision; Contaminants in Drinking Water. Amend RSA 485 by inserting after
10 section 16-d the following new subdivision:

11 Perfluorochemicals

12 485:16-e Perfluorochemicals. The commissioner shall, in consultation with the commissioner of
13 the department of health and human services and stakeholders, within 120 days from the effective
14 date of this section, initiate rulemaking to adopt a maximum contaminant limit (MCL) for
15 perfluorooctanesulfonate (PFOS) and perfluorooctanoic acid (PFOA) for public water systems
16 regulated by this chapter. The commissioner shall consider the standards of other states, including
17 the science considered by states with standards lower than those contained in health advisories
18 from the United States Environmental Protection Agency. The commissioner shall adopt MCLs
19 that reasonably protect public health, particularly prenatal and early childhood health, and that are
20 reasonably supported by peer reviewed science and independent or government agency studies,
21 provided no MCL shall exceed that contained in any MCL promulgated by the United States
22 Environmental Protection Agency. The commissioner shall annually review the newest peer
23 reviewed science and independent or government agency studies and undertake rulemaking in
24 order to comply with this paragraph, if necessary.

25 4 New Paragraph; Ambient Groundwater Quality Standards. Amend RSA 485-C:6 by inserting
26 after paragraph III the following new paragraph:

27 IV. The commissioner shall, in consultation with the commissioner of the department of
28 health and human services and stakeholders, within 120 days from the effective date of this
29 paragraph, determine whether to revise the ambient groundwater quality standards for
30 perfluorooctanesulfonate (PFOS) and perfluorooctanoic acid (PFOA) established in rule in order to
31 comply with this paragraph and shall make public his or her determination. The commissioner
32 shall consider the standards of other states, including the science considered by states with
33 standards lower than those contained in the lifetime health advisory promulgated by the United

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1 States Environmental Protection Agency. The commissioner shall adopt standards that reasonably
2 protect public health, particularly prenatal and early childhood health, and that are reasonably
3 supported by peer reviewed science and independent or government agency studies, provided no
4 standard shall exceed that contained in any standard promulgated by the United States
5 Environmental Protection Agency. If the commissioner determines that the standard should be
6 changed, the commissioner shall initiate rulemaking within 60 days of making the determination.
7 The commissioner shall annually review the newest peer reviewed science and independent or
8 government agency studies and undertake rulemaking in order to comply with this paragraph, if
9 necessary.

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2017-1678s

AMENDED ANALYSIS

This bill:

I. Allows the department of environmental services to make rules regarding air pollution and the deposit of such pollutants on soils and water.

II. Regulates devices emitting or having the potential to emit air pollutants that may harm soil and water through the deposit of such pollutants.

III. Requires the commissioner of the department of environmental services to adopt a state drinking water standard relative to perfluorochemicals.

IV. Requires the commissioner to establish ambient groundwater quality standards.