

Amendment to SB 309-FN

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

2

3 AN ACT relative to standards for perfluorochemicals in drinking water, ambient groundwater,  
4 and surface water.

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6 Amend the bill by replacing all after the enacting clause with the following:

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8 1 New Subparagraph; Statement of Purpose. Amend RSA 485:1, II by inserting after  
9 paragraph (h) the following new subparagraph:

10 (i) Adopt primary drinking water standards by establishing maximum contaminant  
11 limits or treatment techniques.

12 2 Drinking Water Rules. Amend RSA 485:3, I(b) to read as follows:

13 (b) *After consideration of the extent to which the contaminant is found in New*  
14 *Hampshire, the ability to detect the contaminant in public water systems, the ability to*  
15 *remove the contaminant from drinking water, and the costs to government entities that*  
16 *will result from establishing the standard, a specification for each contaminant of either:*

17 (1) A maximum contaminant level that is acceptable in water for human  
18 consumption[, if it is feasible to ascertain the level of such contaminant in water in public water  
19 systems]; or

20 (2) One or more treatment techniques or methods which lead to a reduction of the  
21 level of such contaminant sufficient to protect the public health, if it is not feasible to ascertain the  
22 level of such contaminant in water in the public water system; and

23 3 New Subdivision; Perfluorochemicals. Amend 485 by inserting after section 16-d the  
24 following new subdivision:

25

Perfluorochemicals

26 485:16-e Perfluorochemicals. By January 1, 2019, the commissioner shall, in consultation with  
27 the commissioner of the department of health and human services and other interested parties,  
28 initiate rulemaking in accordance with RSA 541-A to adopt a maximum contaminant limit for  
29 perfluorooctanoic acid (PFOA), perfluorooctanesulfonic acid (PFOS), perfluorononanoic acid (PFNA),  
30 and perfluorohexanesulfonic acid (PFHxS).

31 4 Ambient Groundwater Quality Standards. Amend RSA 485-C:6 to read as follows:

32 485-C:6 Ambient Groundwater Quality Standards.

33 I. The commissioner shall establish and adopt ambient groundwater quality standards for  
34 regulated contaminants which adversely affect human health or the environment. Ambient

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groundwater standards shall apply to all regulated contaminants which result from human operations or activities, but do not apply to naturally occurring contaminants. ***Where state maximum contaminant levels have been adopted under RSA 485:3, I(b), ambient groundwater quality standards shall be equivalent to such standards.*** Where federal maximum contaminant level or health advisories have been promulgated under the Federal Safe Drinking Water Act or rules relevant to such act, ambient groundwater quality standards shall be ~~[equivalent to]~~ ***no less stringent than*** such standards. ***The commissioner may adopt standards more stringent than federal maximum contaminant levels or health advisories if, accounting for an adequate margin of safety to protect human health at all life stages, including but not limited to pre-natal development, the commissioner determines federal standards are insufficient for protection of human health.*** Where such standards are ***established*** based upon ***health advisories that address*** cancer risks, the ambient groundwater quality standards shall be equivalent to that exposure which causes a lifetime exposure risk of one cancer in 1,000,000 exposed population. Where no federal ***or state*** maximum contaminant level or health advisory has been issued, the commissioner may adopt ambient groundwater quality standards on a basis which provides for an adequate margin of safety to protect human health and safety.

II. ***Health advisories that are adopted as ambient groundwater quality standards shall be reviewed by the department at least every 5 years to determine if new research warrants revising the current ambient groundwater quality standard. If the department finds a revision is necessary it shall conduct rulemaking to adopt the revised standard.***

III. Ambient groundwater quality standards shall be the water quality basis for issuance of groundwater discharge permits under RSA 485-A: 13.

~~III.~~ IV. Except for discharges of domestic wastewater regulated under RSA 485-A:13 and RSA 485-A:29, no person shall violate ambient groundwater quality standards.

V. ***By January 1, 2019, the commissioner shall, in consultation with the commissioner of the department of health and human services and interested parties, initiate rulemaking to adopt ambient groundwater quality standards for perfluorononanoic acid (PFNA) and perfluorohexanesulfonic acid (PFHxS).***

VI. ***By January 1, 2019, the commissioner shall, in consultation with the commissioner of the department of health and human services and interested parties, conduct a review to determine whether current research warrants revising the existing ambient groundwater quality standards for perfluorooctanoic acid (PFOA) and perfluorooctanesulfonic acid (PFOS).***

5 Department of Environmental Services; Positions Established; Appropriation. There is established within the department of environmental services one classified toxicologist position and one classified human health risk assessor for the purposes of monitoring groundwater under RSA

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1 485-C. The sum necessary to pay the salary, benefits, and other costs related to the positions  
2 established in this section is hereby appropriated to the department of environmental services for  
3 the biennium ending June 30, 2019. This appropriation shall be in addition to any other  
4 appropriations made to the department in the biennium. The governor is authorized to draw a  
5 warrant for said sum out of any money in treasury not otherwise appropriated.

6 6 Department of Environmental Services; Surface Water Quality Standards. The commissioner  
7 of environmental services shall, in consultation with stakeholders, develop a plan, including a  
8 schedule and cost estimates, to establish surface water quality standards for  
9 perfluorooctanesulfonate (PFOS), perfluorooctanoic acid (PFOA), perfluorononanoic acid (PFNA),  
10 and perfluorohexanesulfonic acid (PFHxS) in class A and class B waters for all designated uses.  
11 The commissioner shall submit the plan upon its completion, but no later than January 1, 2020, to  
12 the house resources, recreation, and development committee and the senate energy and natural  
13 resources committee.

14 7 Effective Date. This act shall take effect upon its passage.

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AMENDED ANALYSIS

I. Directs the department to evaluate the ambient ground water quality standards for perfluorooctanoic acid (PFOA) and perfluorooctanesulfonic acid (PFOS) and set ambient groundwater quality standards for perfluorononanoic acid (PFNA), and perfluorohexanesulfonic acid (PFHxS).

II. Establishes the criteria for setting maximum contaminant limits for public drinking water and directs the department to set maximum contaminant limits for perfluorooctanoic acid (PFOA), perfluorooctanesulfonic acid (PFOS), perfluorononanoic acid (PFNA), and perfluorohexanesulfonic acid (PFHxS).

III. Establishes a toxicologist position and a human health risk assessor position in the department of environmental services and makes an appropriation to fund the positions.

IV. Requires the commissioner of environmental services to develop a plan for establishing surface water quality standards for perfluorooctanesulfonate (PFOS), perfluorooctanoic acid (PFOA), perfluorononanoic acid (PFNA), and perfluorohexanesulfonic acid (PFHxS) in class A and class B waters.