LEGISLATIVE COMMITTEE MINUTES

SB123

Bill as Introduced

SB 123-FN - AS INTRODUCED

2023 SESSION

23-0874
08/10

SENATE BILL ***123-FN***

AN ACT relative to the adoption of ambient groundwater quality standards by the department of environmental services.

SPONSORS: Sen. Watters, Dist 4; Sen. Perkins Kwoka, Dist 21; Sen. Gray, Dist 6; Sen. Avard, Dist 12; Sen. Altschiller, Dist 24; Rep. Notter, Hills. 12; Rep. Rung, Hills. 12; Rep. Healey, Hills. 12; Rep. W. Thomas, Hills. 12

COMMITTEE: Energy and Natural Resources

ANALYSIS

This bill enables the commissioner of the department of environmental services to adopt certain ambient groundwater quality standards.

Explanation: Matter added to current law appears in ***bold italics.***
Matter removed from current law appears [~~in brackets and struckthrough.~~]
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

23-0874
08/10

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Three

AN ACT relative to the adoption of ambient groundwater quality standards by the department of environmental services.

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

1 Ambient Groundwater Quality Standards. Amend RSA 485-C:6, I to read as follows:

I. The commissioner shall establish and adopt ambient groundwater quality standards for regulated contaminants which adversely affect human health or the environment. Ambient 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), or established in law, ambient groundwater quality standards shall be equivalent to such standards. ***Notwithstanding any other provision of this section,*** where federal maximum contaminant level or health advisories have been promulgated under the Federal Safe Drinking Water Act or rules relevant to such act, ***the commissioner may adopt*** ambient groundwater quality standards [~~shall be no less stringent than~~] ***equivalent to*** such standards. The commissioner may [~~adopt~~] ***revise such adopted*** standards ***to be*** 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~~] ***adopted*** based upon health advisories ***promulgated under the Federal Safe Drinking Water Act*** 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~~] ***adopted***, 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.

2 Effective Date. This act shall take effect upon its passage.

LBA
23-0874
1/12/23

SB 123-FN- FISCAL NOTE
AS INTRODUCED

AN ACT relative to the adoption of ambient groundwater quality standards by the department of environmental services.

FISCAL IMPACT: [X] State [X] County [X] Local [ ] None

	Estimated Increase / (Decrease)			
STATE:	**FY 2023**	**FY 2024**	**FY 2025**	**FY 2026**
Appropriation	$0	$0	$0	$0
Revenue	$0	$0	$0	$0
Expenditures	$0	Indeterminable Decrease	Indeterminable Decrease	Indeterminable Decrease
Funding Source:	[X] General	[ ] Education	[ ] Highway	[X] Other

COUNTY:

Revenue	$0	$0	$0	$0
Expenditures	$0	Indeterminable Decrease	Indeterminable Decrease	Indeterminable Decrease

LOCAL:

Revenue	$0	$0	$0	$0
Expenditures	$0	Indeterminable Decrease	Indeterminable Decrease	Indeterminable Decrease

METHODOLOGY:

This bill enables the commissioner of the department of environmental services to adopt certain ambient groundwater quality standards.

The Department of Environmental Services indicates this bill would amend RSA 485-C to eliminate internal inconsistencies in the existing statutory language regarding the criteria the Department must use when establishing or amending ambient groundwater quality standards (AGQS). Current law states that AGQS shall be "equivalent to" any state maximum contaminant level ("MCL") but also states that AGQS shall be "at least as stringent" as any federal health advisory. Complying with both of these criteria is not possible if the State MCL is less stringent than the federal health advisory, which is a realistic possibility. This legislation would address this inconsistency. AGQS can have a significant impact on requirements and costs associated with drinking water and wastewater treatment, and contaminated site remediation. This bill would provide clarity to the Commissioner when setting AGQS, retaining discretion for the

SB 123-FN - AS INTRODUCED

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COMMITTEE: Energy and Natural Resources OTP 4-0

ANALYSIS

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08/10

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LBA
23-0874
1/12/23

SB 123-FN- FISCAL NOTE
AS INTRODUCED

AN ACT relative to the adoption of ambient groundwater quality standards by the department of environmental services.

FISCAL IMPACT: **[X] State** **[X] County** **[X] Local** **[ ] None**

	Estimated Increase / (Decrease)			
STATE:	**FY 2023**	**FY 2024**	**FY 2025**	**FY 2026**
Appropriation	$0	$0	$0	$0
Revenue	$0	$0	$0	$0
Expenditures	$0	Indeterminable Decrease	Indeterminable Decrease	Indeterminable Decrease
Funding Source:	[X] General	[ ] Education	[ ] Highway	[X] Other -

COUNTY:

Revenue	$0	$0	$0	$0
Expenditures	$0	Indeterminable Decrease	Indeterminable Decrease	Indeterminable Decrease

LOCAL:

Revenue	$0	$0	$0	$0
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Commissioner to adopt AGQS based upon a federal health advisory when circumstances warrant. The Department assumes this could result in avoidance of setting an unreasonably low AGQS for a contaminant based upon federal health advisories. In such an instance, the Department assumes there could be significant reductions in expenditures required of any local, county, or state governments that operate drinking water treatment facilities, wastewater treatment facilities, or are responsible for contaminated site remediation.

It is assumed that any fiscal impact would occur after FY 2023.

AGENCIES CONTACTED:

Department of Environmental Services

SENATE BILL ***123-FN***

AN ACT relative to the adoption of ambient groundwater quality standards by the department of environmental services.

SPONSORS: Sen. Watters, Dist 4; Sen. Perkins Kwoka, Dist 21; Sen. Gray, Dist 6; Sen. Avard, Dist 12; Sen. Altschiller, Dist 24; Rep. Notter, Hills. 12; Rep. Rung, Hills. 12; Rep. Healey, Hills. 12; Rep. W. Thomas, Hills. 12

COMMITTEE: Energy and Natural Resources

ANALYSIS

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STATE OF NEW HAMPSHIRE

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2 Effective Date. This act shall take effect upon its passage.

LBA
23-0874
Amended 3/13/23

SB 123-FN- FISCAL NOTE

AS AMENDED BY THE SENATE (AMENDMENT #2023-0635s)

AN ACT relative to the adoption of ambient groundwater quality standards by the department of environmental services.

FISCAL IMPACT: [X] State [X] County [X] Local [ ] None

	Estimated Increase / (Decrease)			
STATE:	**FY 2023**	**FY 2024**	**FY 2025**	**FY 2026**
Appropriation	$0	$0	$0	$0
Revenue	$0	$0	$0	$0
Expenditures	$0	Indeterminable Decrease	Indeterminable Decrease	Indeterminable Decrease
Funding Source:	[X] General	[ ] Education	[ ] Highway	[X] Other -

COUNTY:

Revenue	$0	$0	$0	$0
Expenditures	$0	Indeterminable Decrease	Indeterminable Decrease	Indeterminable Decrease

LOCAL:

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It is assumed that any fiscal impact would occur after FY 2023.

AGENCIES CONTACTED:

Department of Environmental Services

LBA
23-0874
Amended 3/13/23

SB 123-FN FISCAL NOTE
AS AMENDED BY THE SENATE (AMENDMENT #2023-0635s)

AN ACT relative to the adoption of ambient groundwater quality standards by the department of environmental services.

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Funding Source:	[X] General	[ ] Education	[ ] Highway	[X] Other -

COUNTY:

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It is assumed that any fiscal impact would occur after FY 2023.

AGENCIES CONTACTED:

Department of Environmental Services

SB 123-FN - VERSION ADOPTED BY BOTH BODIES

03/09/2023 0635s

2023 SESSION

23-0874
08/10

SENATE BILL ***123-FN***

AN ACT relative to the adoption of ambient groundwater quality standards by the department of environmental services.

SPONSORS: Sen. Watters, Dist 4; Sen. Perkins Kwoka, Dist 21; Sen. Gray, Dist 6; Sen. Avard, Dist 12; Sen. Altschiller, Dist 24; Rep. Notter, Hills. 12; Rep. Rung, Hills. 12; Rep. Healey, Hills. 12; Rep. W. Thomas, Hills. 12

COMMITTEE: Energy and Natural Resources

ANALYSIS

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STATE OF NEW HAMPSHIRE

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2 Effective Date. This act shall take effect upon its passage.

LBA
23-0874
Amended 3/13/23

SB 123-FN- FISCAL NOTE
AS AMENDED BY THE SENATE (AMENDMENT #2023-0635s)

AN ACT relative to the adoption of ambient groundwater quality standards by the department of environmental services.

FISCAL IMPACT: [X] State [X] County [X] Local [ ] None

	Estimated Increase / (Decrease)			
STATE:	**FY 2023**	**FY 2024**	**FY 2025**	**FY 2026**
Appropriation	$0	$0	$0	$0
Revenue	$0	$0	$0	$0
Expenditures	$0	Indeterminable Decrease	Indeterminable Decrease	Indeterminable Decrease
Funding Source:	[X] General	[ ] Education	[ ] Highway	[X] Other -

COUNTY:

Revenue	$0	$0	$0	$0
Expenditures	$0	Indeterminable Decrease	Indeterminable Decrease	Indeterminable Decrease

LOCAL:

Revenue	$0	$0	$0	$0
Expenditures	$0	Indeterminable Decrease	Indeterminable Decrease	Indeterminable Decrease

METHODOLOGY:

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It is assumed that any fiscal impact would occur after FY 2023.

AGENCIES CONTACTED:

Department of Environmental Services

CHAPTER 70
SB 123-FN - FINAL VERSION

03/09/2023 0635s

2023 SESSION

23-0874
08/10

SENATE BILL ***123-FN***

AN ACT relative to the adoption of ambient groundwater quality standards by the department of environmental services.

SPONSORS: Sen. Watters, Dist 4; Sen. Perkins Kwoka, Dist 21; Sen. Gray, Dist 6; Sen. Avard, Dist 12; Sen. Altschiller, Dist 24; Rep. Notter, Hills. 12; Rep. Rung, Hills. 12; Rep. Healey, Hills. 12; Rep. W. Thomas, Hills. 12

COMMITTEE: Energy and Natural Resources

ANALYSIS

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CHAPTER 70
SB 123-FN - FINAL VERSION

03/09/2023 0635s

23-0874
08/10

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Three

AN ACT relative to the adoption of ambient groundwater quality standards by the department of environmental services.

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

70:1 Ambient Groundwater Quality Standards. Amend RSA 485-C:6, I to read as follows:

I. The commissioner shall establish and adopt ambient groundwater quality standards for regulated contaminants which adversely affect human health or the environment. Ambient 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), or established in law, ambient groundwater quality standards shall be equivalent to such standards[.] ***or*** where federal maximum contaminant level or health advisories have been promulgated under the Federal Safe Drinking Water Act or rules relevant to such act, ***the commissioner may adopt*** ambient groundwater quality standards [~~shall be no less stringent than~~] ***equivalent to*** such standards. The commissioner may ***also*** adopt standards ***that are*** more stringent than federal ***or state*** maximum contaminant levels or ***federal*** 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~~] ***adopted*** based upon health advisories ***promulgated under the Federal Safe Drinking Water Act*** 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~~] ***adopted***, 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.

70:2 Effective Date. This act shall take effect upon its passage.

Approved: June 07, 2023
Effective Date: June 07, 2023

Amendments

Sen. Watters, Dist 4
February 17, 2023
2023-0599s
08/07

Amendment to SB 123-FN

Amend RSA 485-C:6, I as inserted by section 1 of the bill by replacing it with the following:

I. The commissioner shall establish and adopt ambient groundwater quality standards for regulated contaminants which adversely affect human health or the environment. Ambient 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), or established in law, ambient groundwater quality standards shall be equivalent to such standards[~~.~~] ***or*** where federal maximum contaminant level or health advisories have been promulgated under the Federal Safe Drinking Water Act or rules relevant to such act, ***the commissioner may adopt*** ambient groundwater quality standards [~~shall be no less stringent than~~] ***equivalent to*** such standards. The commissioner may ***also*** adopt standards ***that are*** more stringent than federal ***or state*** maximum contaminant levels or ***federal*** 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~~] ***adopted*** based upon health advisories ***promulgated under the Federal Safe Drinking Water Act*** 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~~] ***adopted***, 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.

Senate Finance
February 21, 2023
2023-0635s
08/07

Amendment to SB 123-FN

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I. The commissioner shall establish and adopt ambient groundwater quality standards for regulated contaminants which adversely affect human health or the environment. Ambient 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), or established in law, ambient groundwater quality standards shall be equivalent to such standards[~~.~~] ***or*** where federal maximum contaminant level or health advisories have been promulgated under the Federal Safe Drinking Water Act or rules relevant to such act, ***the commissioner may adopt*** ambient groundwater quality standards [~~shall be no less stringent than~~] ***equivalent to*** such standards. The commissioner may ***also*** adopt standards ***that are*** more stringent than federal ***or state*** maximum contaminant levels or ***federal*** 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~~] ***adopted*** based upon health advisories ***promulgated under the Federal Safe Drinking Water Act*** 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~~] ***adopted***, 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.

Committee Minutes

SENATE CALENDAR NOTICE
Energy and Natural Resources

Sen Kevin Avard, Chair
Sen Howard Pearl, Vice Chair
Sen Regina Birdsell, Member
Sen David Watters, Member
Sen Debra Altschiller, Member

Date: January 25, 2023

HEARINGS

Tuesday	01/31/2023
(Day)	(Date)

Energy and Natural Resources	State House 103	9:00 a.m.
(Name of Committee)	(Place)	(Time)

9:00 a.m.	**SB 113-FN**	relative to cost effectiveness review of the joint utility energy efficiency plan.
9:15 a.m.	**SB 123-FN**	relative to the adoption of ambient groundwater quality standards by the department of environmental services.
9:30 a.m.	**SB 160-FN**	relative to the use of OHRVs on designated trails and requiring a permit to operate certain OHRVs from before sunrise to after sunset.
9:45 a.m.	**SB 164-FN-LOCAL**	relative to biodiverse environments.

EXECUTIVE SESSION MAY FOLLOW

Sponsors:

SB 113-FN			
Sen. Avard	Sen. Ricciardi	Sen. Watters	Sen. Innis
Sen. Bradley	Sen. Birdsell	Sen. Carson	Sen. Pearl
SB 123-FN			
Sen. Watters	Sen. Perkins Kwoka	Sen. Gray	Sen. Avard
Sen. Altschiller	Rep. Notter	Rep. Rung	Rep. Healey
Rep. W. Thomas			
SB 160-FN			
Sen. Pearl	Sen. Watters	Sen. Innis	Sen. Lang
Sen. Carson	Rep. Gagne	Rep. Potucek	
SB 164-FN-LOCAL			
Sen. Watters	Sen. Perkins Kwoka	Sen. Avard	Sen. Altschiller
Sen. Fenton	Rep. Bixby	Rep. Read	

Nikolas Liamos 271-7875

Kevin A. Avard
Chairman

Senate Energy and Natural Resources Committee

Nikolas Liamos 271-7875

SB 123-FN, relative to the adoption of ambient groundwater quality standards by the department of environmental services.

Hearing Date: January 31, 2023

Time Opened: 9:25 a.m. **Time Closed:** 9:31 a.m.

Members of the Committee Present: Senators Watters, Avard, Pearl and Birdsell

Members of the Committee Absent : Senator Altschiller

Bill Analysis: This bill enables the commissioner of the department of environmental services to adopt certain ambient groundwater quality standards.

Sponsors:

Sen. Watters	Sen. Perkins Kwoka	Sen. Gray
Sen. Avard	Sen. Altschiller	Rep. Notter
Rep. Rung	Rep. Healey	Rep. W. Thomas

Who supports the bill: Senator David Watters (SD 4), Bob Scott, Mike Wimsatt, Catherine Corkery, Senator James Gray (SD 6), Patricia Beffa-Negrini, Deb Baker, Susan Liebowitz, Jack Hurley, Susan Richman, Mark Longley, Barbara Southard, Anne Thomas, Anne Grossi, Catherine Bushueff, Donna Reardon, Jeanne Torpey, Senator Rebecca Perkins Kwoka (SD 21), Andrew Jones, Gary Devore, Nancy Brennan, Claudia Damon, Patricia Martin, Susan Moore, Tom St. Martin, Lois Cote, Elizabeth Corell, Gregory Davis, Joseph Kwasnik, Nancy Bishop, Melissa Hinebauch, Judith Johnson, Alfrieda Englund, and Sharon Racusin

Who opposes the bill: None

Who is neutral on the bill: None

Summary of testimony presented:

Senator David Watters

Senate District 4

- Senator David Watters introduced Senate Bill 123.
- Senator Watters stated that SB 123 empowers the commissioner of the Department of Environmental Services to raise state drinking water standards to a standard more stringent than the standards set forth in the Federal Safe Drinking Water Act.

- Senator Watters stated that the commissioner may implement more stringent standards if it is deemed necessary to protect human health at all life stages.
- Senator Watters noted that SB 123 provides clarity to the commissioner of DES.

Bob Scott and Mike Wimsatt

New Hampshire Department of Environmental Services

- Commissioner Bob Scott stated that the Department of Environmental Services asked for Senate Bill 123 to be introduced.
- Commissioner Scott stated that SB 123 clarifies inconsistencies in the current law.
- Commissioner Scott stated that SB 123 helps protect ground water from Polyfluoroalkyl Substances.

NPL
Date Hearing Report completed: February 2, 2023

Speakers

Senate Energy and Natural Resources Committee
SIGN-IN SHEET

ate: 1/31/2023 **Time:** 9:15 a.m.

SB 123-FN AN ACT relative to the adoption of ambient groundwater quality standards by the department of environmental services

Name/Representing ***(please print neatly)***

Dan. David Watters (SD 4)	Support ☑	Oppose ☐	Speaking?	Yes ☑ No ☐
Mike Comm. Bob Scott / Mike Wimsatt NHDES	Support ☑	Oppose ☐	Speaking?	Yes ☑ No ☐
	Support ☐	Oppose ☐	Speaking?	Yes ☐ No ☐
	Support ☐	Oppose ☐	Speaking?	Yes ☐ No ☐
	Support ☐	Oppose ☐	Speaking?	Yes ☐ No ☐
	Support ☐	Oppose ☐	Speaking?	Yes ☐ No ☐
	Support ☐	Oppose ☐	Speaking?	Yes ☐ No ☐
	Support ☐	Oppose ☐	Speaking?	Yes ☐ No ☐
	Support ☐	Oppose ☐	Speaking?	Yes ☐ No ☐
	Support ☐	Oppose ☐	Speaking?	Yes ☐ No ☐
	Support ☐	Oppose ☐	Speaking?	Yes ☐ No ☐
	Support ☐	Oppose ☐	Speaking?	Yes ☐ No ☐
	Support ☐	Oppose ☐	Speaking?	Yes ☐ No ☐
	Support ☐	Oppose ☐	Speaking?	Yes ☐ No ☐
	Support ☐	Oppose ☐	Speaking?	Yes ☐ No ☐
	Support ☐	Oppose ☐	Speaking?	Yes ☐ No ☐
	Support ☐	Oppose ☐	Speaking?	Yes ☐ No ☐
	Support ☐	Oppose ☐	Speaking?	Yes ☐ No ☐
	Support ☐	Oppose ☐	Speaking?	Yes ☐ No ☐
	Support ☐	Oppose ☐	Speaking?	Yes ☐ No ☐
	Support ☐	Oppose ☐	Speaking?	Yes ☐ No ☐

Senate Energy and Natural Resources Committee
SIGN-IN SHEET

ate: 1/31/2023 **Time:** 9:15 a.m.

SB 123-FN AN ACT relative to the adoption of ambient groundwater quality standards by the department of environmental services

Name/Representing *(please print neatly)*

Catherine Corkery NH Sierra Club	Support ☒	Oppose ☐	Speaking?	Yes ☐ No ☒
	Support ☐	Oppose ☐	Speaking?	Yes ☐ No ☐
	Support ☐	Oppose ☐	Speaking?	Yes ☐ No ☐
	Support ☐	Oppose ☐	Speaking?	Yes ☐ No ☐
	Support ☐	Oppose ☐	Speaking?	Yes ☐ No ☐
	Support ☐	Oppose ☐	Speaking?	Yes ☐ No ☐
	Support ☐	Oppose ☐	Speaking?	Yes ☐ No ☐
	Support ☐	Oppose ☐	Speaking?	Yes ☐ No ☐
	Support ☐	Oppose ☐	Speaking?	Yes ☐ No ☐
	Support ☐	Oppose ☐	Speaking?	Yes ☐ No ☐
	Support ☐	Oppose ☐	Speaking?	Yes ☐ No ☐
	Support ☐	Oppose ☐	Speaking?	Yes ☐ No ☐
	Support ☐	Oppose ☐	Speaking?	Yes ☐ No ☐
	Support ☐	Oppose ☐	Speaking?	Yes ☐ No ☐
	Support ☐	Oppose ☐	Speaking?	Yes ☐ No ☐
	Support ☐	Oppose ☐	Speaking?	Yes ☐ No ☐
	Support ☐	Oppose ☐	Speaking?	Yes ☐ No ☐
	Support ☐	Oppose ☐	Speaking?	Yes ☐ No ☐
	Support ☐	Oppose ☐	Speaking?	Yes ☐ No ☐
	Support ☐	Oppose ☐	Speaking?	Yes ☐ No ☐
	Support ☐	Oppose ☐	Speaking?	Yes ☐ No ☐

Senate Remote Testify

Energy and Natural Resources Committee Testify List for Bill SB123 on 2023-01

Support: 32 Oppose: 0

Name	Title	Representing	Position
Gray, Senator James	An Elected Official	Myself	Support
Beffa-Negrini, Patricia	A Member of the Public	Myself	Support
Baker, Deb	A Member of the Public	Myself	Support
Liebowitz, Susan	A Member of the Public	Myself	Support
Hurley, Jack	A Member of the Public	Myself	Support
Richman, Susan	A Member of the Public	Myself	Support
Longley, Mark	A Member of the Public	Myself	Support
Southard, Barbara	A Member of the Public	Myself	Support
Thomas, Anne	A Member of the Public	Myself	Support
Grossi, Anne	A Member of the Public	Myself	Support
Bushueff, Catherine	A Member of the Public	Myself	Support
Reardon, Donna	A Member of the Public	Myself	Support
Torpey, Jeanne	A Member of the Public	Myself	Support
Perkins Kwoka, Senator Rebecca	An Elected Official	Myself	Support
Jones, Andrew	A Member of the Public	Myself	Support
Devore, Gary	A Member of the Public	Myself	Support
Brennan, Nancy	A Member of the Public	Myself	Support
Damon, Claudia	A Member of the Public	Myself	Support
rtin, Patricia	A Member of the Public	Myself	Support
k, bruce	A Member of the Public	Myself	Support
Moore, Susan	A Member of the Public	Myself	Support
St.Martin, Tom	A Member of the Public	Myself	Support
Cote, Lois	A Member of the Public	Myself	Support
Corell, Elizabeth	A Member of the Public	Myself	Support
Thomas, A	A Member of the Public	Myself	Support
Davis, Gregory	A Member of the Public	Myself	Support
Kwasnik, Joseph	A Member of the Public	Myself	Support
Bishop, Nancy	A Member of the Public	Myself	Support
Hinebauch, Melissa	A Member of the Public	Myself	Support
Johnson, Judith	A Member of the Public	Myself	Support
Englund, Alfrieda	An Elected Official	Myself	Support
Racusin, Sharon	A Member of the Public	Myself	Support

Testimony

The State of New Hampshire
Department of Environmental Services

Robert R. Scott, Commissioner

January 31, 2023

The Honorable Kevin Avard, Chair
Senate Energy and Natural Resources Committee
State House, Room 103
Concord, NH 03301

RE: SB 123, AN ACT relative to the adoption of ambient groundwater quality standards by the department of environmental services.

Dear Chair Avard and Members of the Committee:

Thank you for the opportunity to testify on SB 123. This bill would amend the language of RSA 485-C:6 relative to how the New Hampshire Department of Environmental Services (NHDES) sets ambient groundwater quality standards, in order to address inconsistencies in the current law. This bill is a request of NHDES and we strongly support its passage.

The purpose of RSA Chapter 485-C, the Groundwater Protection Act is to protect the natural quality of the state's groundwater resource by, among other things, establishing procedures and standards for remediation of groundwater. RSA 485-C:6 sets out criteria for the establishment and adoption of ambient groundwater quality standards (AGQS) that apply to all regulated contaminants from human operations or activities. AGQS form the basis for NHDES' regulatory authority to address groundwater contamination and inform NHDES' oversight of the investigation and remediation of contaminated sites.

This bill seeks to amend the language in RSA 485-C:6 because, as currently written, it includes internal inconsistencies regarding how NHDES must establish AGQS. For example, it states that AGQS shall be "equivalent to" any state maximum contaminant level ("MCL") but also states that AGQS shall be "at least as stringent" as any federal health advisory. This is not possible if the State MCL is less stringent than the federal health advisory. We anticipate that this circumstance may present itself with the upcoming proposal by USEPA of a federal MCL for several PFAS chemicals. For example, when USEPA issues their proposed MCL for PFOA, they will also likely finalize their current interim health advisory for PFOA. For several important reasons, the proposed MCL is likely to be three orders of magnitude higher than the health advisory. NHDES' drinking water program will likely adopt that federal MCL as a State MCL. This would expose the inconsistency in the current law and put NHDES in a quandary as to whether to adopt the State MCL or the new final health advisory. This bill would address this inconsistency, while retaining for the commissioner the discretion to adopt AGQS based upon a federal health advisory when circumstances warrant.

Thank you again for the opportunity to provide testimony in support of SB 123. Should you have questions or need additional information, please feel free to contact either Mike Wimsatt, Waste Management Division Director, at michael.wimsatt@des.nh.gov or (603) 271-1997, or me.

Sincerely,

Robert R. Scott
Commissioner

ec: Sponsors of SB 123: Senators Watters, Perkins Kwoka, Gray, Avard, Altschiller, Representatives Notter, Rung, Healey, W. Thomas

Nikolas Liamos

From: Beauchesne, Suzanne <Suzanne.E.Beauchesne@des.nh.gov>
Sent: Tuesday, January 31, 2023 8:13 AM
To: Kevin Avard; Howard Pearl; Regina Birdsell; Debra Altschiller; David Watters; Nikolas Liamos
Cc: Rebecca Perkins Kwoka; James Gray; Rosemarie Rung; Wendy Thomas; Wimsatt, Mike; Sanborn, Mark A; Jeanine Notter; Robert Healey
Subject: SB 123 Letter of Testimony
Attachments: LOTF - SB 123 AGQS 013123.pdf

Caution! This message was sent from outside your organization.

Dear Chairman Avard and Members of the Committee:

Attached is a letter of testimony from the NH Department of Environmental Services (NHDES) on SB 123, an act relative to the adoption of ambient groundwater quality standards by the department of environmental services. Should you have questions or need additional information, please feel free to contact either Mike Wimsatt, Waste Management Division Director, at michael.wimsatt@des.nh.gov or (603) 271-1997, or Commissioner Scott at robert.r.scott@des.nh.gov or (603) 271-2958. Thank you. Suzanne

Stay Safe! Be Well!

Suzanne Beauchesne
Office of the Commissioner
NH Department of Environmental Services
29 Hazen Drive, PO Box 95
Concord, NH 03301
Phone: (603) 271-3449
Suzanne.Beauchesne@des.nh.gov

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Nikolas Liamos

om: Wendy Thomas <wethomas@gmail.com>
nt: Monday, January 30, 2023 7:45 PM
To: Kevin Avard; Howard Pearl; Regina Birdsell; Debra Altschiller; David Watters; Nikolas Liamos
Subject: Rep. Wendy Thomas - support for SB 123 adoption of ambient ground water levels

Caution! This message was sent from outside your organization.

Members of the Energy and Natural Resources committee,

I am Representative Wendy Thomas representing the town of Merrimack. I am providing written testimony in support of SB 123 - relative to the adoption of ambient groundwater quality standards by the department of environmental standards.

This bill enables the commissioner of DES to adopt stricter ambient groundwater quality guidelines than those that might be issued by the state of New Hampshire.

This bill is particularly important for the 7 regions in southern New Hampshire and those on the seacoast that are contaminated with PFAS chemicals.

Every day we are learning more and more about the harmful effects of PFAS in our water. What might have seemed prudent when we established PFAS water limits in 2020 are, in some cases, now outdated and are too gh. If a federal guideline is more stringent than our state guidelines, with this bill, it can now be adopted by ES. It would allow DES to adopt a standard identified by the state of New Hampshire that may be lower than current state MCLs (maximum contaminant levels).

In 2020 New Hampshire took the steps necessary to protect our residents from PFAS contamination by lowering our MCLs to less than those proposed by federal guidelines. This bill would provide even more protection to our residents by allowing current levels to be further lowered if the federal MCLs are more stringent.

We must remain vigilant about the science of PFAS and we must continue to do all we can to protect our residents who live in PFAS contaminated areas.

For these reasons, I urge you to support SB 123 and vote it OTP in committee.

Wendy Thomas

--

Rep. Wendy E. N. Thomas

New Hampshire State Representative Hills-12

Executive Director - The New Hampshire Challenge

ability issues from the family perspective

Voting Sheets

Senate Energy and Natural Resources Committee

EXECUTIVE SESSION RECORD

2023-2024 Session

Bill # SB 123-FN

Hearing date: 1/31/23

Executive Session date: 1/31/23

Motion of: OTP **Vote:** 4-0

Committee Member	Present	Made by	Second	Yes	No
Sen. Avard, Chair	X			X	
Sen. Pearl, Vice Chair	X	X		X	
Sen. Birdsell	X		X	X	
Sen. Watters	X			X	
Sen. Altschiller					

Motion of: _____ **Vote:** _____

Committee Member	Present	Made by	Second	Yes	No
Sen. Avard, Chair					
Sen. Pearl, Vice Chair					
Sen. Birdsell					
Sen. Watters					
Sen. Altschiller					

Motion of: _____ **Vote:** _____

Committee Member	Present	Made by	Second	Yes	No
Sen. Avard, Chair					
Sen. Pearl, Vice Chair					
Sen. Birdsell					
Sen. Watters					
Sen. Altschiller					

Reported out by: Sen. Watters

Notes: _____

Senate Finance Committee
EXECUTIVE SESSION

Bill # SB 123-FN

Hearing date: N/A

Executive session date: 02

Motion of: OTP on Base bill VOTE:

	Made by Senator:	Seconded by Senator:	Reported by Senator:
Gray	☐	☐	☐
Innis	☐	☐	☐
Bradley	☐	☐	☐
Birdsell	☐	☑	☐
Pearl	☑	☐	☐
D'Allesandro	☐	☐	☐
Rosenwald	☐	☐	☐

Motion of: Move Amd #0599s VOTE: 7-0

	Made by Senator:	Seconded by Senator:	Reported by Senator:
Gray	☐	☐	☐
Innis	☐	☐	☐
Bradley	☐	☐	☐
Birdsell	☐	☑	☐
Pearl	☑	☐	☐
D'Allesandro	☐	☐	☐
Rosenwald	☐	☐	☐

Committee Member	Present	Yes	No	Reported out by
Senator Gray, Chairman	☑	☑	☐	☐
Senator Innis, Vice-Chair	☑	☑	☐	☐
Senator Bradley	☑	☑	☐	☐
Senator Birdsell	☑	☑	☐	☐
Senator Pearl	☑	☑	☐	☑
Senator D'Allesandro	☑	☑	☐	☐
Senator Rosenwald	☑	☑	☐	☐

Amendments: OTP/A - Pearl - Motion 7-0
Birdsell - 2nd

Notes:

Committee Report

STATE OF NEW HAMPSHIRE

SENATE

REPORT OF THE COMMITTEE

Wednesday, February 1, 2023

THE COMMITTEE ON Energy and Natural Resources

to which was referred **SB 123-FN**

AN ACT relative to the adoption of ambient groundwater quality standards by the department of environmental services.

Having considered the same, the committee recommends that the Bill

OUGHT TO PASS

BY A VOTE OF: 4-0

Senator David Watters
For the Committee

Nikolas Liamos 271-7875

ENERGY AND NATURAL RESOURCES

SB 123-FN, relative to the adoption of ambient groundwater quality standards by the department of environmental services.

Ought to Pass, Vote 4-0.

Senator David Watters for the committee.

STATE OF NEW HAMPSHIRE

SENATE

REPORT OF THE COMMITTEE

Wednesday, February 22, 2023

THE COMMITTEE ON Finance

to which was referred **SB 123-FN**

AN ACT relative to the adoption of ambient groundwater quality standards by the department of environmental services.

Having considered the same, the committee recommends that the Bill

OUGHT TO PASS WITH AMENDMENT

BY A VOTE OF: 7-0

AMENDMENT # 0635s

Senator Howard Pearl
For the Committee

Deb Martone 271-4980

General Court of New Hampshire - Bill Status System

Docket of SB123

Docket Abbreviations

Bill Title: relative to the adoption of ambient groundwater quality standards by the department of environmental services.

Official Docket of **SB123.**:

Date	Body	Description
1/19/2023	S	**Introduced** 01/19/2023 and Referred to Energy and Natural Resources; **SJ 5**
1/25/2023	S	**Hearing:** 01/31/2023, Room 103, SH, 09:15 am; **SC 8**
2/1/2023	S	Committee Report: Ought to Pass, 02/09/2023; **SC 9**
2/9/2023	S	Ought to Pass: MA, VV; Refer to Finance Rule 4-5; 02/09/2023; **SJ 6**
2/22/2023	S	Committee Report: Ought to Pass with Amendment **#2023-0635s**, 03/09/2023; **SC 12**
3/9/2023	S	Committee Amendment **#2023-0635s**, AA, VV; 03/09/2023; **SJ 9**
3/9/2023	S	**Ought to Pass with Amendment** 2023-0635s, MA, VV; OT3rdg; 03/09/2023; **SJ 9**
3/20/2023	H	Introduced (in recess of) 03/16/2023 and referred to Resources, Recreation and Development
4/4/2023	H	Public Hearing: 04/12/2023 10:30 am LOB 305-307
4/20/2023	H	Executive Session: 04/12/2023 10:30 am LOB 305-307
4/20/2023	H	Committee Report: Ought to Pass 04/12/2023 **(Vote 17-0; CC)**
5/4/2023	H	**Ought to Pass**: MA VV 05/04/2023 **HJ 13** P. 15
5/31/2023	H	Enrolled (in recess of) 04/18/2023
5/31/2023	S	Enrolled Adopted, VV, (In recess 05/18/2023); **SJ 16**
6/8/2023	S	Signed by the Governor on 06/07/2023; Chapter 0070; Effective 06/07/2023

NH House | NH Senate

Docket of SB123		
01/19/2023	S	Introduced 01/19/2023 and Referred to Energy and Natural Resources; SJ 5
01/25/2023	S	Hearing: 01/31/2023, Room 103, SH, 09:15 am; SC 8
02/01/2023	S	Committee Report: Ought to Pass, 02/09/2023; SC 9
02/09/2023	S	Ought to Pass: MA, VV; Refer to Finance Rule 4-5; 02/09/2023; SJ 6
02/22/2023	S	Committee Report: Ought to Pass with Amendment # 2023-0635s, 03/09/2023; SC 12
03/09/2023	S	Committee Amendment # 2023-0635s, AA, VV; 03/09/2023; SJ 9
03/09/2023	S	Ought to Pass with Amendment 2023-0635s, MA, VV; OT3rdg; 03/09/2023; SJ 9
03/20/2023	H	Introduced (in recess of) 03/16/2023 and referred to Resources, Recreation and Development
04/04/2023	H	Public Hearing: 04/12/2023 10:30 am LOB 305-307
04/20/2023	H	Executive Session: 04/12/2023 10:30 am LOB 305-307
04/20/2023	H	Committee Report: Ought to Pass 04/12/2023 (Vote 17-0; CC)
05/04/2023	H	Ought to Pass: MA VV 05/04/2023 HJ 13 P. 15
05/31/2023	H	Enrolled (in recess of) 04/18/2023
05/31/2023	S	Enrolled Adopted, VV, (In recess 05/18/2023); SJ 16
06/08/2023	S	Signed by the Governor on 06/07/2023; Chapter 0070; Effective 06/07/2023

Other Referrals

Senate Inventory Checklist for Archives

Bill Number: SB 123-FN **Senate Committee:** FINANCE - 2ND Comm. Bill

Please include all documents in the order listed below and indicate the documents which have been included with an "X" beside

X Final docket found on Bill Status

Bill Hearing Documents: {Legislative Aides}

X Bill version as it came to the committee

___ All Calendar Notices

___ Hearing Sign-up sheet(s)

___ Prepared testimony, presentations, & other submissions handed in at the public hearing

___ Hearing Report

X Revised/Amended Fiscal Notes provided by the Senate Clerk's Office

Committee Action Documents: {Legislative Aides}

All amendments considered in committee (including those not adopted):

X - amendment # 0599s ___ - amendment #_____

X - amendment # 0635s ___ - amendment #_____

X Executive Session Sheet

X Committee Report

Floor Action Documents: {Clerk's Office}

All floor amendments considered by the body during session (only if they are offered to the senate):

___ - amendment #_____ ___ - amendment #_____

___ - amendment #_____ ___ - amendment #_____

Post Floor Action: (if applicable) {Clerk's Office}

___ Committee of Conference Report (if signed off by all members. Include any new language proposed by the committee of conference):

___ Enrolled Bill Amendment(s)

___ Governor's Veto Message

All available versions of the bill: {Clerk's Office}

X as amended by the senate ___ as amended by the house

X final version

Completed Committee Report File Delivered to the Senate Clerk's Office By:

Debra A. Martone 07/14/23

Committee Aide **Date**

Senate Clerk's Office X

Senate Inventory Checklist for Archives

Bill Number: SB 123-FN **Senate Committee:** ENR

Please include all documents in the order listed below and indicate the documents which have been included with an "X" beside

X Final docket found on Bill Status

Bill Hearing Documents: {Legislative Aides}

X Bill version as it came to the committee

X All Calendar Notices

X Hearing Sign-up sheet(s)

X Prepared testimony, presentations, & other submissions handed in at the public hearing

X Hearing Report

___ Revised/Amended Fiscal Notes provided by the Senate Clerk's Office

Committee Action Documents: {Legislative Aides}

All amendments considered in committee (including those not adopted):

___ - amendment # _____ ___ - amendment # _____

___ - amendment # _____ ___ - amendment # _____

X Executive Session Sheet

X Committee Report

Floor Action Documents: {Clerk's Office}

All floor amendments considered by the body during session (only if they are offered to the senate):

___ - amendment # _____ ___ - amendment # _____

___ - amendment # _____ ___ - amendment # _____

Post Floor Action: (if applicable) {Clerk's Office}

___ Committee of Conference Report (if signed off by all members. Include any new language proposed by the committee of conference):

___ Enrolled Bill Amendment(s)

___ Governor's Veto Message

All available versions of the bill: {Clerk's Office}

___ as amended by the senate ___ as amended by the house

___ final version

Completed Committee Report File Delivered to the Senate Clerk's Office By:

[signature] 8/2/23

Committee Aide **Date**

Senate Clerk's Office AK