

CHAPTER 326
HB 1547-FN - FINAL VERSION

16Feb2022... 0249h
05/05/2022 1937s
26May2022... 2014CofC
26May2022... 2130EBA

2022 SESSION

22-2208
08/05

HOUSE BILL ***1547-FN***

AN ACT relative to per fluorinated chemical remediation in soil and procedures for certain hazardous waste generators.

SPONSORS: Rep. Mooney, Hills. 21; Rep. Healey, Hills. 21; Rep. Rung, Hills. 21; Rep. Notter, Hills. 21

COMMITTEE: Environment and Agriculture

AMENDED ANALYSIS

This bill:

I. Requires the commissioner of the department of environmental services to adopt rules relative to perfluorinated chemical remediation in the soil.

II. Clarifies language describing certification requirements for certain hazardous waste generators.

III. Makes an appropriation to the PFAS remediation loan fund.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

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STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Two

AN ACT relative to per fluorinated chemical remediation in soil and procedures for certain hazardous waste generators.

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

1 326:1 New Section; PFAS; Soil Remediation Standards. Amend RSA 485-H by inserting after
2 section 12 the following new section:

3 485-H:13 PFAS Rulemaking and Soil Remediation Standards. By November 1, 2023, the
4 commissioner shall initiate rulemaking in accordance with RSA 541-A to adopt rules specific to the
5 application of RSA 485, RSA 485-C, RSA 147-A, and RSA 147-B to PFAS contamination and may update
6 such rules thereafter. Such rules shall include soil remediation standards for perfluorooctanoic acid
7 (PFOA), perfluorooctanesulfonic acid (PFOS), perfluorononanoic acid (PFNA), and
8 perfluorohexanesulfonic acid (PFHxS). Such rules may include a requirement for testing for PFAS other
9 than those for which the state currently has an AGQS.

10 326:2 Rulemaking; Soil Remediation. Amend RSA 485-C:4, VIII to read as follows:

11 VIII. Criteria and procedures for the investigation, management, and remediation of contaminated
12 groundwater. ~~[,including]~~ ***Such rules shall include:***

13 (a) The creation of regulated zones of contaminated groundwater and the issuance of
14 permits or similar procedures for the remediation of such zones.

15 (b) ***The establishment of soil remediation standards for protection of groundwater quality and***
16 ***human health.***

17 (c) ***With respect to contamination in excess of an AGQS, a requirement that a person who is***
18 ***liable for or has otherwise caused or contributed to such contamination provide safe alternate water to any***
19 ***impacted well owner.***

20 326:3 Hazardous Waste; Self-Certification. Amend RSA 147-A:3, XXVII to read as follows:

21 XXVII. Procedures and criteria for administration of a ~~[small quantity]~~ hazardous waste generator
22 self-certification program and associated fees pursuant to RSA 147-A:5, IV.

23 326:4 Terms and Conditions of Operator Permits. Amend the section heading of RSA 147-A:5 to
24 read as follows:

25 147-A:5 Terms and Conditions of Operator Permits; Facility Personnel; Certified Hazardous Waste
26 Coordinator Program; ~~[Small Quantity]~~ Hazardous Waste Generator Self-Certification Program.

27 326:5 Certified Hazardous Waste Coordinator Program. Amend RSA 147-A:5, IV to read as follows:

28 IV.(a) Each hazardous waste generator that generates less than 220 pounds (100 kilograms) of
29 hazardous waste per month shall submit to the department, every 3 years, a self-certification declaration

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1 stating that the facility is in compliance with the [small-quantity] *applicable* hazardous waste generator
2 rules. The declaration shall be on a form provided by the department.

3 (b) Each [small-quantity] hazardous waste generator *that generates less than 220*
4 *pounds/100 kilograms of hazardous waste per month* shall pay non-refundable fees at a rate of \$60 per
5 year for the period of January 1, 2004 to June 30, 2007, and at a rate of \$90 per year beginning July 1,
6 2007, to cover department expenses for conducting the self-certification program and hiring of program
7 staff. Total fees due for each year shall be submitted with the self-certification declaration form required
8 under subparagraph (a).

9 (c) If the self-certification fee is not paid within 60 days of the due date, interest shall be
10 assessed at a rate established by the commissioner, and shall be deposited into the cleanup fund. The
11 commissioner may waive all or any portion of interest for good cause.

12 (d) Political subdivisions of the state shall be exempt from the fee for submitting a self-
13 certification declaration.

14 (e) [Small-quantity] Hazardous waste generators that are participants in a department-
15 developed multi-media compliance assurance program referred to as an environmental results program,
16 or ERP, shall be exempt from this paragraph.

17 326:6 Initial Notification Fee. Amend RSA 147-A:6-a, III to read as follows:

18 III. [Small-quantity] Hazardous waste generators *that generate less than 220 pounds/100*
19 *kilograms of hazardous waste per month and* that are participants in a department-developed multi-media
20 compliance assurance program referred to as an environmental results program, or ERP, shall be exempt
21 from this notification fee.

22 326:7 Purposes and Use of Hazardous Waste Cleanup Fund. Amend RSA 147-B:6, I-g to read as
23 follows:

24 I-g. Fees collected pursuant to RSA 147-A:5, IV (c) and RSA 147-A:6-a shall be deposited in the
25 hazardous waste cleanup fund established in RSA 147-B:3 and shall be accounted for separately and
26 used to manage the [small-quantity] hazardous waste generator self-certification program, provide
27 technical training and assistance to hazardous waste generators, hire personnel, and pay administrative
28 costs.

29 326:8 PFAS Remediation Loan Fund; Grants. Amend RSA 485-H:11, I to read as follows:

30 I. The department, to the limit of the funds appropriated to the department for this purpose
31 through the actions of the fiscal committee established under RSA 14:30-a *or by the general court*, shall
32 provide grants to entities meeting the eligibility requirements of RSA 485-H:3 and RSA 485-H:4 for up to
33 the greater of \$1,500,000 or 30 percent of the total eligible cost of the project *or as provided for in rebate*
34 *programs established by the department under RSA 485-H:3, II-a.*

35 326:9 New Paragraph; Implementation of Drinking Water Protection Program. Amend RSA 485-H:3
36 by inserting after paragraph II the following new paragraph:

37 II-a. The department may establish rebate programs to assist impacted private well users with
38 water treatment or connection to public water systems.

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1 326:10 Appropriation; PFAS Remediation Loan Fund. The sum of \$25,000,000 for the fiscal year
2 ending June 30, 2022 is hereby appropriated to the PFAS remediation loan fund established under RSA
3 485-H:10 to fund grants and reimbursements in accordance with RSA 485-H:11. The governor is
4 authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

5 326:11 Effective Date.

6 I. Section 10 of this act shall take effect June 30, 2022.

7 II. The remainder of this act shall take effect upon its passage.

Approved: July 08, 2022

Effective Date:

I. Section 10 effective June 30, 2022

II. Remainder effective July 8, 2022

