HB 212-FN-A - AS INTRODUCED

2023 SESSION

23-0408
08/10

HOUSE BILL ***212-FN-A***

AN ACT appropriating funding for investigations, testing, and monitoring relative to per- and polyfluoroalkyl substances.

SPONSORS: Rep. Rung, Hills. 12; Rep. N. Murphy, Hills. 12; Rep. Rombeau, Hills. 2; Rep. Dunn, Rock. 16; Rep. Lascelles, Hills. 14; Sen. Chandley, Dist 11; Sen. Carson, Dist 14

COMMITTEE: Resources, Recreation and Development

ANALYSIS

This bill:

I. Changes the name of the PFAS loan fund to the PFAS response fund.

II. Adds duties to the department of environmental services relative to investigating, testing, and monitoring for PFAS in soil, groundwater, surface water, wastewater, air, biota, and other media.

III. Makes an appropriation to the PFAS response fund.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

23-0408
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STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Three

AN ACT appropriating funding for investigations, testing, and monitoring relative to per- and polyfluoroalkyl substances.

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

1 Definitions; PFAS Fund and Programs. Amend RSA 485-H:2, IV to read as follows:

IV. "PFAS [~~loan~~] ***response*** fund" means the PFAS [~~remediation loan~~] ***response*** fund established in RSA 485-H:10.

2 Implementation of Drinking Water Protection Program; PFAS Response Fund. Amend RSA 485-H:3, III-IV to read as follows:

III. The department shall adopt rules, and include conditions in loan and grant documents, to ensure that the applicant has made and will make reasonable efforts to obtain and use funds from any liable or potentially liable third party prior to and after taking a loan from the PFAS [~~loan~~] ***response*** fund or receiving a grant, and that any money received from a liable or potentially liable third party after the loan is provided is applied to early repayment of such loan to the extent reasonable. In addition, the department shall adopt rules establishing criteria to ensure that an applicant shall not be eligible for loans or grants for any project or portion of a project to the extent the negligence of the applicant caused the contamination that resulted in the exceedance of a PFAS drinking water standard.

IV. If the department forgives any part of a loan or provides a grant related to costs for a project for which a third party might otherwise be liable, the right to recover payment from such third party shall be subrogated to the department to the extent of such forgiveness or grant. Any money recovered by the department from such third party shall be deposited in the PFAS [~~loan~~] ***response*** fund.

3 Implementation of Groundwater, Surface Water and Aquatic Life Protection; PFAS Response Fund. Amend RSA 485-H:4, III-IV to read as follows:

III. The department shall adopt rules, and include conditions in loan and grant documents, to ensure that the applicant has made reasonable efforts to obtain and use funds from any liable or potentially liable third party prior to and after taking a loan from the PFAS [~~loan~~] ***response*** fund or receiving a grant, and that any money received from a liable or potentially liable third party at a later time is applied to early repayment of the loan from the PFAS [~~loan~~] ***response*** fund to the extent reasonable. In addition, the department shall adopt rules establishing criteria to ensure that an applicant shall not be eligible for loans or grants for any project or portion of a project to the extent the negligence of the applicant caused the contamination that resulted in the exceedance of an applicable PFAS standard.

IV. If the department forgives any part of a loan or provides a grant related to costs for a project for which a third party might otherwise be liable, the right to recover payment from such third party shall be subrogated to the department to the extent of such forgiveness. Any money recovered by the department from such third party shall be deposited in the PFAS [~~loan~~] ***response*** fund.

4 New Subparagraph; Duties of the Department; PFAS Response. Amend RSA 485-H:8, I by inserting after subparagraph (d) the following new subparagraphs:

(e) Investigating, testing, and monitoring PFAS in soil, groundwater, surface water, wastewater, air, biota, and other media.

(f) Conducting scientific investigation to support development of appropriate regulatory standards for PFAS, and development and implementation of treatment and remediation methods for PFAS in air, water, soil and other media.

5 PFAS Response Fund Established. Amend RSA 485-H:10 to read as follows:

485-H:10 PFAS [~~Remediation Loan~~] ***Response*** Fund Established. There is hereby established in the department the PFAS [~~remediation loan~~] ***response*** fund which shall be maintained [~~by the state treasurer in~~] ***as*** distinct and separate [~~custody~~] from all other funds[~~, notwithstanding RSA 6:12~~]. The [~~state treasurer may invest the~~] PFAS [~~remediation loan~~] ***response*** fund ***shall be invested*** in accordance with RSA 6:8. Any earnings on PFAS [~~remediation loan~~] ***response*** fund moneys shall be added to the PFAS [~~remediation loan~~] ***response*** fund. All moneys in the PFAS [~~remediation loan~~] ***response*** fund shall be non-lapsing and shall be continually appropriated to the department. The PFAS [~~remediation loan~~] ***response*** fund shall be used to fund ***departmental duties as outlined in RSA 485-H:8, including*** loans***, grants,*** and reimbursements in accordance with this chapter. Funds from any bond proceeds, grants, loan repayments, legislative appropriations, donations, and other funds related to the PFAS [~~remediation loan~~] ***response*** fund shall be credited to the PFAS [~~remediation loan~~] ***response*** fund.

6 Application of Receipts; PFAS Response Fund. Amend RSA 6:12, I(b)(361) to read as follows:

(361) Moneys deposited in the PFAS [~~remediation loan~~] ***response*** fund established in RSA 485-H:10.

7 Appropriation; PFAS Response Fund. The sum of $2,000,000 for the fiscal year ending June 30, 2023 is hereby appropriated to the PFAS response fund established under RSA 485-H:10 to fund investigation, testing, monitoring, and scientific investigation in accordance with RSA 485-H:8, I(e) and (f). The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

8 Effective Date.

I. Section 7 of this act shall take effect June 30, 2023.

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

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23-0408
12/15/22

HB 212-FN-A- FISCAL NOTE
AS INTRODUCED

AN ACT appropriating funding for investigations, testing, and monitoring relative to per- and polyfluoroalkyl substances.

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

	Estimated Increase / (Decrease)			
STATE:	**FY 2023**	**FY 2024**	**FY 2025**	**FY 2026**
Appropriation	$2,000,000	$0	$0	$0
Revenue	$0	$0	$0	$0
Expenditures	$0	Indeterminable Increase	Indeterminable Increase	Indeterminable Increase
Funding Source:	[X] General [ ] Education [ ] Highway [X] Other - PFAS Response Fund			

METHODOLOGY:

This bill changes the name of the PFAS loan fund to the PFAS response fund, adds duties to the Department of Environmental Services relative to investigating, testing, and monitoring for PFAS in soil, groundwater, surface water, wastewater, air, biota, and other media. The bill makes an appropriation to the PFAS response fund.

The Department of Environmental Services assumes this appropriation would allow it to continue and expand upon PFAS testing and monitoring initiatives undertaken by the Department with the appropriation established in the 2019 trailer bill (L'2019 Ch 346:304,HB4) and would provide authority and funding for additional research to advance PFAS remediation efforts. The 2019 appropriation, which will lapse on June 30, 2023, was specifically for the purpose of studying, investigating, and testing for contamination caused by perfluorinated chemicals, and the preliminary design for a treatment system for such contamination. The appropriation in this bill will allow continuation of that work, and impact to current operations would be minimal. The Department assumes it would conduct the authorized activities using existing staff. There will be no county or local revenues or expenditures.

AGENCIES CONTACTED:

Department of Environmental Services