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February 20, 2026
2026-0855h
04/05

Amendment to HB 1389

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

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3 1 Hazardous Waste Cleanup Fund; Definitions. Amend RSA 147-B:2, VIII-o to read as follows:

4 VIII-o. "PFAS facility" for closure, removal from service, or decommissioning under [~~RSA~~
5 ~~147-B:10, X~~] ***RSA 147-B:10, IX*** means any site, area, or location where PFAS is or has been used,
6 treated, stored, generated, disposed of, or otherwise come to be located.

7 2 New Paragraph; Hazardous Waste Cleanup Fund; Strict Liability; Civil Action. Amend RSA
8 147-B:10 by inserting after paragraph VIII the following new paragraph:

9 IX. Any person who owns or operates a PFAS facility where a release of PFAS at or from
10 such PFAS facility has resulted in total combined concentrations in groundwater or surface water of
11 500 parts per trillion or greater of PFAS compounds for which ambient groundwater quality
12 standards have been established pursuant to RSA 485-C, or who owned or operated a PFAS facility
13 at the time of such a release, shall be subject to the provisions of federal regulations in 40 C.F.R.
14 265.111 and 265.114. Such provisions shall apply to the closure, removal from service, or
15 decommissioning of:

16 (a) All tanks, piping, containers, manufacturing equipment, waste or wastewater
17 treatment infrastructure, and air pollution control devices used to handle, convey, or otherwise
18 manage materials or wastes containing PFAS; and

19 (b) The interior and exterior surfaces of PFAS facility buildings and structures where
20 materials or wastes containing PFAS are or have been used, stored, treated, or otherwise managed.
21 Nothing in this paragraph shall be interpreted to limit the applicability of RSA 147-B:10 or RSA 147-
22 B:10-a to releases of PFAS otherwise subject to such sections.

23 3 Effective Date. This act shall take effect 60 days after its passage.