



TOWN COUNCIL – AGENDA REQUEST FORM

THIS FORM WILL BECOME PART OF THE BACKGROUND INFORMATION USED BY THE COUNCIL AND PUBLIC

Please submit Agenda Request Form, **including back up information, 8 days prior** to the requested meeting date. **Public Hearing requests must be submitted 20 days prior to requested meeting date to meet publication deadlines** (exceptions may be authorized by the Town Manager, Chairman/Vice Chair).

MEETING INFORMATION

Date Submitted: January 26, 2018
Submitted by: Town Councilor Bill Boyd
Department:
Speakers:

Date of Meeting: February 8, 2018
Time Required: 20 minutes
Background Info. Supplied: Yes: No:

CATEGORY OF BUSINESS (PLEASE PLACE AN "X" IN THE APPROPRIATE BOX)

Appointment:	<input type="checkbox"/>	Recognition/Resignation/Retirement:	<input type="checkbox"/>
Public Hearing:	<input type="checkbox"/>	Old Business:	<input type="checkbox"/>
New Business:	<input checked="" type="checkbox"/>	Consent Agenda:	<input type="checkbox"/>
Nonpublic:	<input type="checkbox"/>	Other:	<input type="checkbox"/>

TITLE OF ITEM

Letter of Support of Senate Bill 309-FN

DESCRIPTION OF ITEM

Town Council to consider writing a letter of support of Senate Bill 309-FN - an act relative to standards for perfluorochemicals in drinking water, ambient groundwater, and surface water.

REFERENCE (IF KNOWN)

RSA:	Warrant Article:	_____
Charter Article:	Town Meeting:	_____
Other:	N/A	

EQUIPMENT REQUIRED (PLEASE PLACE AN "X" IN THE APPROPRIATE BOX)

Projector:	<input type="checkbox"/>	Grant Requirements:	<input type="checkbox"/>
Easel:	<input type="checkbox"/>	Joint Meeting:	<input type="checkbox"/>
Special Seating:	<input type="checkbox"/>	Other:	<input type="checkbox"/>
Laptop:	<input type="checkbox"/>	None:	<input type="checkbox"/>

CONTACT INFORMATION

Name:	William W. Boyd III	Address:	_____
Phone Number:	_____	Email Address:	bboyd@merrimacknh.gov

APPROVAL

Town Manager: Yes No: Chair/Vice Chair: Yes No:

Hold for Meeting Date: _____

SB 309-FN - AS INTRODUCED

2018 SESSION

18-2838
08/10

SENATE BILL **309-FN**

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

SPONSORS: Sen. Innis, Dist 24; Sen. Bradley, Dist 3; Sen. Avard, Dist 12; Sen. Fuller Clark, Dist 21; Sen. Gannon, Dist 23; Sen. Ward, Dist 8; Sen. Carson, Dist 14; Sen. Birdsell, Dist 19; Sen. Feltes, Dist 15; Rep. Messmer, Rock. 24; Rep. H. Marsh, Rock. 22; Rep. Emerick, Rock. 21; Rep. Bean, Rock. 21; Rep. Murray, Rock. 24

COMMITTEE: Energy and Natural Resources

ANALYSIS

This bill:

- I. Requires the commissioner of the department of environmental services to adopt a state drinking water standard relative to perfluorochemicals.
- II. Requires the commissioner of the department of environmental services to establish ambient groundwater quality standards relative to perfluorochemicals.
- III. Requires the commissioner of the department of environmental services to establish surface water quality standards relative to perfluorochemicals.

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.
 18-2838
 08/10

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Eighteen

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

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

1 New Subdivision; Contaminants in Drinking Water. Amend RSA 485 by inserting after section 16-d the following new subdivision:

Perfluorochemicals

485:16-e Perfluorochemicals. The commissioner shall, in consultation with the commissioner of the department of health and human services and stakeholders, within 120 days from the effective date of this section, initiate rulemaking to adopt a maximum contaminant limit (MCL) for perfluorooctanesulfonate (PFOS) and perfluorooctanoic acid (PFOA) for public water systems regulated by this chapter. The commissioner shall consider the standards of other states, including the science considered by states with standards lower than those contained in health advisories from the United States Environmental Protection Agency. The commissioner shall adopt MCLs that reasonably protect public health, particularly prenatal and early childhood health, and that are reasonably supported by peer reviewed science and independent or government agency studies, provided no MCL shall exceed that contained in any MCL promulgated by the United States Environmental Protection Agency. The commissioner shall annually review

the newest peer reviewed science and independent or government agency studies and undertake rulemaking in order to comply with this paragraph, if necessary.

2 New Paragraph; Ambient Groundwater Quality Standards. Amend RSA 485-C:6 by inserting after paragraph III the following new paragraph:

IV. The commissioner shall, in consultation with the commissioner of the department of health and human services and stakeholders, within 120 days from the effective date of this paragraph, determine whether to revise the ambient groundwater quality standards for perfluorooctanesulfonate (PFOS) and perfluorooctanoic acid (PFOA) established in rule in order to comply with this paragraph and shall make public his or her determination. The commissioner shall consider the standards of other states, including the science considered by states with standards lower than those contained in the lifetime health advisory promulgated by the United States Environmental Protection Agency. The commissioner shall adopt standards that reasonably protect public health, particularly prenatal and early childhood health, and that are reasonably supported by peer reviewed science and independent or government agency studies, provided no standard shall exceed that contained in any standard promulgated by the United States Environmental Protection Agency. If the commissioner determines that the standard should be changed, the commissioner shall initiate rulemaking within 60 days of making the determination. The commissioner shall annually review the newest peer reviewed science and independent or government agency studies and undertake rulemaking in order to comply with this paragraph, if necessary.

3 New Paragraph; Surface Water Quality Standards. Amend RSA 485-A:8 by inserting after paragraph II-a the following new paragraph:

II-b. The commissioner shall, in consultation with stakeholders, within 120 days from the effective date of this paragraph, establish a surface water quality standard for perfluorooctanesulfonate (PFOS) and perfluorooctanoic acid (PFOA) in Class A and Class B waters. The commissioner shall consider the standards of other states. The commissioner shall adopt standards that reasonably protect public health, particularly prenatal and early childhood health, and that are reasonably supported by peer-reviewed science and independent or government agency studies, provided no standard shall exceed that contained in any standard promulgated by the United States Environmental Protection Agency. If the commissioner determines that the standard should be changed, the commissioner shall initiate rulemaking within 60 days of making the determination. The commissioner shall annually review the newest peer-reviewed science and independent or government agency studies and undertake rulemaking in order to comply with this paragraph, if necessary.

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

LBAO
18-2838
12/19/17

**SB 309-FN- FISCAL NOTE
AS INTRODUCED**

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

FISCAL IMPACT: State County Local None

STATE:	Estimated Increase / (Decrease)			
	FY 2019	FY 2020	FY 2021	FY 2022
Appropriation	\$0	\$0	\$0	\$0
Revenue	\$0	\$0	\$0	\$0
Expenditures	Indeterminable Increase	Indeterminable Increase	Indeterminable Increase	Indeterminable Increase
Funding Source:	<input checked="" type="checkbox"/> General	<input type="checkbox"/> Education	<input type="checkbox"/> Highway	<input type="checkbox"/> Other

COUNTY:

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Revenue	Indeterminable \$0	Indeterminable \$0	Indeterminable \$0	Indeterminable \$0
Expenditures	Increase	Increase	Increase	Increase

LOCAL:

Revenue	\$0	\$0	\$0	\$0
Expenditures	Indeterminable Increase	Indeterminable Increase	Indeterminable Increase	Indeterminable Increase

METHODOLOGY:

This bill requires the commissioner of the Department of Environmental Services to adopt a state drinking water standard relative to perfluorochemicals (PFCs); establish ambient groundwater quality standards relative to PFCs; and establish surface water quality standards relative to PFCs.

Regarding section 1 of the bill, the Department of Environmental Services indicates there are approximately 4,200 active sources of water for public water systems that will need to be sampled routinely if a Maximum Contaminant Level (MCL) is adopted. The frequency of sampling would be increased or decreased based on previous monitoring results from a given source. Laboratory costs for perfluorinated compounds ranges from \$180 to \$400 per sample. Therefore a single round of sampling for locals, counties and other entities that own or operate public water systems would range from \$756,000 to \$1,680,000 or higher depending on how low the standard is set. The impact on expenditures cannot be determined because the frequency of sampling and the number of water sources exceeding the MCL cannot be determined in advance. The cost to the Department associated with administering compliance are indeterminable for the same reasons.

Regarding section 2, the Department would need to independently review available research and analyze whether that research warrants revision of ambient groundwater quality standards (AGQS) on an annual basis for perfluorooctanesulfate (PFOS) and perfluorooctanic acid (PFOA). The Department assumes an additional Toxicologist IV, labor grade 29, step 4 position would be necessary, starting on July 1, 2018 with the following estimated costs:

	FY 2019	FY 2020	FY 2021	FY 2022
Salary	\$66,905	\$69,791	\$69,791	\$72,911
Benefits	\$31,484	\$33,289	\$34,614	\$36,573
Total Salary & Benefits:	\$98,389	\$103,080	\$104,405	\$109,484
Other Expenses:				
Current Expenses	\$5,200	\$5,200	\$5,200	\$5,200
Equipment	\$3,926	\$500	\$500	\$500
Office Space	\$3,693	\$3,806	\$3,880	\$3,960
Travel	\$4,500	\$2,750	\$2,750	\$2,750
DoIT Charges, Training and Telecommunications	\$9,112	\$2,064	\$2,064	\$2,064
Total Other Expenses:	\$26,431	\$14,320	\$14,394	\$14,474
Total:	\$124,820	\$117,400	\$118,799	\$123,958

In addition, a potential reduction in the current AGQS for PFOA and PFOS may result in additional indeterminable costs to local and county government entities that hold groundwater discharge or management permits such as those associated with landfills.

Regarding section 3, in order to establish surface water quality standards for PFCs, the Department would need funds to hire a contractor, experienced in PFCs and the EPA's methodologies for developing aquatic life and human health surface water quality criteria. The contractor would review existing literature, including criteria and assumptions used in other states, and develop a report with defensible aquatic life and human health surface water criteria and supporting documentation consistent with EPA methodologies. To accomplish this within 120 days, as required, the Department assumes the cost would exceed \$100,000. For surface water quality standards, the cost to the municipalities could be significant, but indeterminable. Many municipalities operate waste water treatment facilities that discharge treated water to local groundwater or surface waters. Should those

surface waters fail to meet surface water quality standards, treatment technologies or industrial pretreatment programs, may need to be developed. For larger facilities, the expense of that treatment could be millions of dollars. In addition, some municipalities have firefighting or fire training facilities which have the potential to cause surface water impairments, the remediation cost for these facilities could be high. For counties, the cost is likely to be lower unless contamination is found to originate from a county facility.

The total costs to the Department and other entities are indeterminable, however at least one general funded position and funds for a contractor would be necessary as outlined above. In addition, potential costs to local and county governments for treatment, mitigation, and remediation in order to comply with a new MCL, ambient groundwater standard, and surface water quality standard could be significant, but are also indeterminable.

AGENCIES CONTACTED:

Department of Environmental Services