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STATE OF NEW HAMPSHIRE
DEPARTMENT OF ENVIRONMENTAL SERVICES

March 5, 2019 - 1:00 p.m.
Department of Environmental Services
29 Hazen Drive
Concord, New Hampshire 03302

RE: HEARING TO RECEIVE PUBLIC COMMENT
ON THREE SETS OF PROPOSED RULES RELATED
TO ENV-DW 700 & 800; ENV-OR 603.03; AND
ENV-WQ 402

PRESENT: Peter Demas, Esq., Legal Unit-NHDES
(Presiding Hearing Officer)

ALSO NOTED AS PRESENT:

Harrison "Chip" D. Mackey, Drinking
Water & Groundwater (DWG) Bureau
Stephen J. Roy, DWG Bureau
Lea Anne Atwell, Hazardous Waste
Remediation Bureau
Asst. Cmsr. Clark B. Freise, NHDES
Sarah Pillsbury, DWG Bureau

COURT REPORTER: SUSAN J. ROBIDAS, N.H. LCR NO. 44

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1 HEARING OFFICER DEMAS: All right,
2 folks, we're going to get started. I'm
3 trying to avoid having to take this
4 microphone and keep it stuffed in my mouth
5 the whole entire time. So if you have any
6 trouble hearing me, let me know and I will do
7 that. But if it's okay that I'll speak like
8 this, then I'd prefer that. So far, can
9 everybody hear me?

10 AUDIENCE MEMBER: Yes.

11 HEARING OFFICER DEMAS: Okay. All
12 right. My name is Peter Demas. I'm the
13 legal coordinator with the DES Legal Unit,
14 and I've been designated as the hearing
15 officer for this hearing.

16 This hearing is being held to
17 receive public comment on three sets of rules
18 proposed by the Department of Environmental
19 Services related to the regulation of four
20 perfluorochemicals, or PFCs. Specifically,
21 the rules are ENV-DW 700 & 800, establishing
22 maximum contaminant levels, or MCLs, for the
23 four PFCs in drinking water, and also adding
24 monitoring, compliance, reporting and public

1 notice requirements for the four PFCs; the
2 other is -- another, rather, is ENV-OR
3 603.03, establishing ambient groundwater
4 quality standards, or AGQSS, for the four
5 PFCs that are required by statute to be
6 equivalent to the MCLs established in
7 ENV-DW 700; also, ENV-Wq 402, establishing
8 water quality standards for discharges to
9 groundwater of wastewater containing any of
10 the four PFCs. Rulemaking Notice for these
11 rules were published in the New Hampshire
12 Rulemaking Register on January 24th, 2019, as
13 Notice Number 2019-14, 2019-15 and 2019-16.
14 This hearing is the second of three public
15 hearings being held as indicated in those
16 notices.

17 Anyone wishing to make oral
18 comments or to submit written comments on the
19 rules for the Department's consideration may
20 do so during this hearing. Written comments
21 on the rules can also be submitted to the
22 Department by close of business, which is
23 4 p.m., on April 12.

24 Couple brief comments on the nature

1 of the hearing, specifically what it is and
2 what it is not. As noted earlier, this
3 hearing is being held to allow interested
4 parties an opportunity to testify and offer
5 their comments regarding the rules. The
6 Department's here to listen to your comments
7 and receive any written materials you may
8 wish to submit. This hearing is not a
9 presentation of the rules, nor is it an
10 adjudicative proceeding or a debate of the
11 merits on the rules. This is your
12 opportunity to voice your opinion.

13 DES Program Staff knowledgeable on
14 the content of the rules are here and may be
15 able to answer questions if any
16 clarifications are necessary. But the
17 primary reason they're here is to listen to
18 you. This hearing is not about the
19 investigations with which many of you are
20 familiar regarding the current PFC
21 consumption, nor is it about any of the
22 potential remedies that are being discussed
23 of which have already been implemented. This
24 meeting is only about the proposed rules.

1 After the close of the comment
2 period, the Department will consider all
3 comments received and will decide whether to
4 revise the rules in response to those
5 comments. The Department will file its final
6 proposed rules for consideration by the Joint
7 Legislative Committee on Administrative
8 Rules, known as JLCAR, and will post the
9 final proposed rules on its online Rulemaking
10 page. We anticipate that the rules will be
11 on the JLCAR's agenda at its May or June
12 meetings.

13 All right. So I'll briefly explain
14 the rules. Last year the Legislature enacted
15 legislation directing DES to initiate
16 rulemaking by January 1st of this year to set
17 the MCLs for PFOA, PFOS, PFNA and PFHxS.
18 MCLs are the drinking water standards that
19 public systems must comply with. In
20 addition, DES was directed to re-evaluate
21 current AGQSS for PFOA and PFOS, which is
22 currently at 70 parts per trillion combined,
23 and to establish AGQSS for PFHxS and PFNA.
24 AGQSS are clean-up standards for contaminated

1 sites.

2 It should be noted that existing
3 statutes have always required an AGQS to be
4 the same as any established MCL for a
5 contaminant. The AGQSs are also used to
6 determine appropriate discharge limits for
7 groundwater discharge permits.

8 In response to the legislative
9 directive, DES has proposed the following
10 rules which are the subject of this hearing:
11 ENV-DW 700 & 800 establishes MCLs,
12 monitoring, compliance and reporting and
13 public notice requirements for the four PFCs
14 that will apply to all community and
15 non-transient public water systems, as
16 required by RSA 485:16-e. The proposed MCLs
17 in the rule are: For PFOA, 38 parts per
18 trillion; for PFOS, 70 parts per trillion;
19 for combined PFOA and PFOS, also 70 parts per
20 trillion; for PFNA, 23 parts per trillion;
21 and for PFHxS, 85 parts per trillion.

22 The rules would also eliminate the
23 requirement for the owner or operator of a
24 laboratory that is seeking approval for an

1 alternate analysis method to identify a
2 specific water system for which the alternate
3 method would be used, meaning that once an
4 alternate method is approved, it could be
5 used for any public water system.

6 ENV-OR 603.03 would be amended to
7 revise existing AGQSS for PFOA and PFOS, and
8 to add AGQSS for PFNA and PFHxS. As required
9 by RSA 485-C:6, those AGQSS are identical to
10 the MCLs that would be established under
11 ENV-DW 700 & 800.

12 ENV-WQ 402 would establish
13 requirements for discharges to groundwater of
14 wastewater containing any of the four PFCs.
15 Those requirements reflect the proposed
16 changes to the AGQS that would be established
17 under ENV-OR 603.03 and are intended to
18 accommodate the lack of available technology
19 to treat aware that is contaminated with
20 PFCs.

21 Specifically, the rules would
22 include residual PFOA, PFOS, PFNA and PFHxS
23 in the existing conditional exemption for
24 meeting AGQSS under certain circumstances.

1 It would establish a discharge unit for PFOA,
2 PFOS, PFNA and PFHxS in wastewater discharge
3 to groundwater. They would account for
4 exceedance of the applicable limits for PFOA,
5 PFOS, PFNA and PFHxS, and they would include
6 the four PFCs and the treatment/alternative
7 response requirements established for
8 1,4-dioxane, which includes identifying and
9 eliminating contributing discharges to the
10 wastewater system.

11 And before get to your comments,
12 I'd just like to cover some procedural
13 matters. If you wish to speak, we ask that
14 you please sign in and fill out one of these
15 cards that were available to you as you
16 walked into the door to my left at the top of
17 the hall. These cards will be collected by
18 DES Staff and brought up to me. I will then
19 call your name and ask you to step to the
20 microphone down here to make your comments.

21 It looks like we have a decent
22 amount of comments, so we have a limited
23 amount of time. We ask that you be
24 respectful of those who want to speak after

1 you. Try to limit your comments to three to
2 five minutes. We're not going to be sounding
3 off a buzzer or anything. But be aware that
4 there are some who may follow you. If we
5 have time afterwards and there's something
6 else you'd like to add, you can come back up
7 and tell us what you think. So if you plan
8 to speak and submit written comments, you
9 don't need to read your entire written
10 comment into the record. You can summarize
11 it for those of us that are here and submit
12 your written comment. The entirety of that
13 written comment will be taken into
14 consideration, and that will save some time
15 as well.

16 If others who have testified before
17 you have already said on the record what you
18 want to say, you don't have to repeat it as
19 well. You can acknowledge that somebody else
20 has said that, agree with them and get to the
21 points that haven't already been mentioned.

22 So we are recording the hearing,
23 and we have a stenographer here to help
24 capture comments. So please make sure you

1 speak clearly and towards the microphone.
2 And as we heard last night, sometimes we need
3 to slow down a little bit so Susan can get
4 everything. She reminded me that I need to
5 at times as well.

6 So that's all I have as far as the
7 procedures, so we'll get going.

8 And I'll just turn to the first
9 commenter. We have Jim Roche from BIA of New
10 Hampshire. Mr. Roche.

11 MR. ROCHE: Thank you. My name is
12 Jim Roche. I run the Business and Industry
13 Association of New Hampshire. We are the
14 statewide chamber of commerce. We have as
15 members 400 leading employers throughout the
16 state.

17 I'll be brief. I just want to
18 focus on three areas. They are -- well,
19 actually, first of all, I thank you and the
20 Department for all the work you're doing to
21 establish these MCLs, your time and energy
22 and effort, and probably a bit of emotion
23 with it. So thank you for your efforts.

24 My comments are focused on three

1 areas. We think the estimates, the hazard
2 estimates, are overly conservative. There
3 has been inadequate cost impact estimates and
4 inadequate estimates of the health impacts.
5 And my comments will be fully expounded upon
6 in written testimony by the April 12th
7 deadline.

8 But DES used EPA's and New Jersey's
9 toxicity endpoint and critical study data as
10 is. In December 2018, just one month before
11 DES issued its draft, Health Canada issued
12 its final comprehensive report on PFOA. This
13 multi-year, peer-reviewed assessment does not
14 agree with the New Jersey analysis and
15 recommends a health-protective level 100
16 times greater than DES's draft value. DES
17 does not provide any analysis of why the New
18 Jersey's older analysis is scientifically
19 superior to Health Canada's analysis. This
20 approach suggests DES's estimates are overly
21 conservative.

22 DES's MCL summary report states,
23 quote, With existing resources and expertise,
24 New Hampshire DES was unable to analyze costs

1 in keeping with EPA and Office of Management
2 and Budget Guidance.

3 This acknowledgment indicates that
4 the draft MCLs proposed by DES do not meet
5 the intent of the criteria established in the
6 legislative mandate to set the MCLs. Many of
7 the costs that are provided fall short in
8 acknowledging full costs of setting these
9 standards. In fact, many of the more
10 potentially significant costs were identified
11 as, quote, indeterminate at this time, end
12 quote. More troubling, the costs DES did not
13 estimate -- more troubling, the costs DES did
14 not estimate likely fall on local towns and
15 water systems. Inadequately analyzing the
16 full cost of setting lower standards presents
17 an incomplete picture and is simply
18 unacceptable. And although many have
19 provided testimony suggesting that we make
20 polluters pay the costs associated with
21 implementing these MCLs, the reality is that
22 sources of these compounds to the environment
23 are in large part not the state's
24 manufacturers, but instead municipal

1 landfills, municipal fire departments,
2 municipal-owned wastewater treatment
3 facilities. These compounds are ubiquitous,
4 as you know.

5 Finally, although costs are
6 mentioned in the DES backup documentation,
7 the draft MCLs put forth are not adjusted
8 from the health-based values derived from
9 their assessment. The intent of legislation
10 and historical precedence set during the
11 adoption of federal MCLs is that the costs be
12 incorporated into setting final MCLs values,
13 not set aside as a separate effort.

14 Finally, with regard to health
15 benefits, DES's proposed MCLs did not
16 consider whether there is any measurable
17 potential health benefits to be realized by
18 the general public from further drinking
19 water regulation. DES should quantitatively
20 determine the incremental benefit of lowering
21 MCLs below EPA's current health advisory.
22 Without such a quantitative analysis, the
23 proposed standards do not meet the criteria
24 established by the legislative mandate. For

1 example, the costs of a tenfold reduction in
2 the MCLs can be estimated and should be
3 quantifiably considered in light of the
4 benefit to health that may or may not be
5 borne by such a decrease.

6 Thank you very much for allowing me
7 this opportunity.

8 HEARING OFFICER DEMAS: Jay
9 Cairelli, Lebanon, New Hampshire, Department
10 of Public Works.

11 MR. CAIRELLI: Thank you for
12 allowing us a chance to be here and your work
13 on this issue. I'm here representing the
14 City of Lebanon.

15 We have three potential places in
16 the city that will be impacted directly by
17 this rule change: The solid waste facility,
18 the wastewater plant and the water treatment
19 plant. We'd really like to see the
20 Department wait to see conclusive findings
21 from the EPA regarding these suggested MCLs
22 that may come into effect; also, if we do see
23 these MCLs come into effect, that a funding
24 mechanism for treatment be provided.

1 The original Clean Water Act did
2 place funding pretty much on the federal
3 government and not on the actual residents of
4 each town that was required to have a
5 wastewater treatment plant. So we'd really
6 like to see some kind of funding mechanism
7 for treatment if its needed. Preliminary
8 research suggests that that's going to be
9 very expensive, and it really would make it
10 very difficult for Lebanon to stay in
11 compliance.

12 Also, a compliance schedule was to
13 be suggested when the ruling comes out, if it
14 does go into effect. That would greatly
15 reduce the overall burden to the town.

16 HEARING OFFICER DEMAS: Can you
17 pull that mic a little closer, please?

18 MR. CAIRELLI: I'm all done now. I
19 do have a written comment. I don't know who
20 I should give that to. Thank you very much.

21 HEARING OFFICER DEMAS: Thank you,
22 Mr. Cairelli.

23 Deborah deMoulpied.

24 MS. deMOULPIED: Thanks for

1 allowing me the opportunity to speak. Is my
2 voice good? Okay.

3 I was born and raised, educated and
4 employed and owned a business in this great
5 state of New Hampshire. I grew up loving the
6 outdoors. Still love the outdoors. I've
7 completed my 48. I used to fish with my dad
8 in Portsmouth Harbor, Great Bay, the lakes.
9 We used to eat what we caught. I grew up
10 summers on Lake Winnepesaukee when the water
11 was a pipe that went out into the lake with a
12 little basket on it. You could do that back
13 then. Today we can't eat the fish, we can't
14 see the ocean from Mount Washington, and we
15 can't drink the water. And why is that?
16 Everything's polluted. The air, the soil,
17 the lakes and our drinking water. How did
18 that happen? Because the regulations set by
19 the EPA and state agencies such as yourself
20 have not been adequate to prevent pollution
21 because the bar was set too high, too low,
22 however you want to look at it. And so here
23 we are.

24 PFAS in our environment is a

1 catastrophe. This is worse than PCBs, which
2 were banned 40 years ago; at least they're
3 capable of breaking down. PFAS do not break
4 down. That's why they're called the "forever
5 chemical." In fact, scientists don't even
6 know when they break down. Maybe a thousand
7 years or more. They're considered the
8 strongest chemical bond on earth. The only
9 thing that breaks them down is high heat
10 incineration. How can a chemical that never
11 goes away, that is associated with so many
12 health problems, ever be labeled as "safe" in
13 any amount?

14 The C-8 Panel finished over five
15 years ago with the conclusion that certain
16 types of PFAS were associated with multiple
17 health conditions, including cancer. Since
18 then, studies have been linked to additional
19 health concerns, like endocrine disruptors
20 and breast cancer. Speaking of cancer, New
21 Hampshire has the distinction of having the
22 highest rate of several kinds of cancers,
23 including pediatric cancers. How can this
24 be? We have the lowest rate of smoking in

1 the country, we have one of lowest rate of
2 obesity in the country, and our state's
3 covered with about 97 percent trees, yet we
4 have cancer from the environment. It's
5 because of the inadequate emission controls
6 all over the country and here in the state.
7 Why did Saint-Gobain consolidate its plants
8 to New Hampshire? Let's be honest? We're
9 called the "Live Free or Die" state, where
10 they get to live for free and we get to die.

11 Who pays for the PFAS catastrophe?
12 Who pays for the devalued properties? Paying
13 for water treatment doesn't take care of the
14 contaminated soil and air and the build-up of
15 contamination that's going to continue for
16 years. Have you, DES, tested the soil in a
17 radius of 2, 5, 10, 20 miles from
18 Saint-Gobain? Have you tested the lakes and
19 ponds? Have you tested the Little Cohas
20 Reservoir two miles from Saint-Gobain? Have
21 you tested the plants and the grass in the
22 radius since plants uptake PFAS? Have you
23 tested the fruit trees? Have you warned
24 residents to not plant vegetable gardens?

1 Have you tested the wildlife? These
2 questions need to be answered. We can put
3 water treatment systems in homes, but we
4 can't dig up 10 inches of soil all around the
5 state, and yet the lobbyists are going to
6 show up and say there's not enough evidence,
7 there's no proof. And you know scientists
8 can't prove anything, but it sounds good.

9 They will say Saint-Gobain switched
10 to GenX, a shorter-chain PFAS, but that's no
11 consolation. The science coming in shows the
12 shorter chains are just as bad with health
13 consequences and its forever characteristics.
14 The only pluses is that it might be excreted
15 a little bit sooner from humans. But as long
16 we continue to have the contamination, that's
17 not a great thing. And because it's a
18 shorter chain molecule, it's more easily
19 absorbed via the air and the skin and
20 digestion. Scientists say there are no safe
21 levels.

22 The PFAS issue is an environmental
23 nightmare exploding across this country right
24 now. The current standards are grossly

1 inadequate since we find ourselves way behind
2 on so many levels. We have the opportunity
3 with SB 287 to greatly lower the threshold to
4 below 20 parts per trillion. And you can
5 adjust your other ones. I say don't hold
6 back. In fact, it's an opportunity to even
7 one-up Vermont. You will hear from the
8 lobbyists that there isn't enough scientific
9 evidence to support this level. I mean, it
10 never breaks down. Never. How much more
11 evidence do you need? You are DES,
12 Department of Environmental Services. People
13 of the state count on you to protect them
14 from polluters who wreak havoc on our
15 environment and pay no price, or very little
16 for it. Please take this opportunity to step
17 up and safeguard the health and well-being,
18 not of the polluters, but of the people of
19 New Hampshire who ultimately bear the true
20 costs of our polluted environment. Thank
21 you.

22 HEARING OFFICER DEMAS: Thank you.

23 Annie Robbins?

24 MS. ROBBINS: So I agree with

1 everything that Deborah said, but I just have
2 one thing I would like to add. Let me get my
3 paper out.

4 So you did lower the standards for
5 arsenic in the water, even though EPA had a
6 higher part per billion. They wanted you to
7 enforce 10 part per billion, and you lowered
8 it to 5 parts per billion, and I commend you
9 for that. I'm not a scientist. I'm just a
10 regular person. And I want you to know that
11 we trust you and we turn to you for help.
12 You have a history with this arsenic standard
13 being lowered, that you know that the EPA
14 isn't always correct. And I don't trust the
15 people that came up here defending big
16 business. I've seen that movie, "The Devil
17 We Know," and I'm depending on you to help
18 us, as are all the rest of the people in New
19 Hampshire. Thank you.

20 HEARING OFFICER DEMAS: Thank you,
21 Ms. Robbins.

22 Ray Breslin.

23 MR. BRESLIN: Ray Breslin. And
24 thank you for allowing us to speak. I'd like

1 to say what Deborah just spoke about is
2 pretty much what I had in mind. And she was
3 very distinct about the situation. I'm from
4 Londonderry. Currently, the Town of
5 Londonderry is doing a study on the quantity
6 and quality of fresh water because it's very
7 important. And really, this is about the
8 children we're talking about. You know, when
9 we're gone, it will be the future generations
10 that will be dealing with this. And it seems
11 as though all too often that these big
12 companies with all their lobbyists and
13 everything, and lawyers, get things through
14 and then get away with a fine of \$2- or \$3-
15 or \$4- or \$5 million dollars, which to them
16 is a slap on the wrist.

17 So the other thing is we have the
18 EPA, the federal organization, that I believe
19 their standards is higher, or what is it --
20 not as stringent as perhaps the Department of
21 Environmental Services are looking to
22 control. But there's all kinds of different
23 chemicals that we weren't even aware of years
24 ago, this being these PFOAs, whatever it is.

1 Just one of them.

2 And so I appreciate what you do. I
3 think there needs to be a lot of thought put
4 into this. And thank you for your time.

5 HEARING OFFICER DEMAS: Thank you,
6 Mr. Breslin.

7 Kevin Womack.

8 MR. WOMACK: I'll provide written
9 comment.

10 HEARING OFFICER DEMAS: Okay.
11 Thank you.

12 Stephanie Scherr from, is it Echo
13 Action?

14 MS. SCHERR: Echo Action, yes.

15 So I'm Stephanie Scherr. I live in
16 Fitzwilliam, and I'm an environmental
17 educator, climate and renewable energy
18 advocate. And I spend a great deal of my
19 time in this state trying to protect us from
20 fossil fuel expansion. And in the past four
21 or five years, I've been increasingly
22 concerned that we might be contributing to
23 the extreme water pollution that's happening
24 in places like Dimock, Pennsylvania, from

1 fracking rates of water. And now I feel that
2 what's happening here in New Hampshire isn't
3 being properly addressed because it seems
4 innocuous. It's not as obvious as, say, the
5 chemicals from fracking wastewater. It's
6 also not as well known. And so in seeing all
7 of the events, to see "The Devil We Know,"
8 I've noticed that people are looking at it as
9 another environmental film. And I'm not
10 actually sure that most of our population
11 feels that this is a direct threat to the
12 overall population of the state, not just in
13 these pockets of areas, because water moves.
14 Water and air don't have boundaries that are
15 clear, and it's not easy to clean this up.

16 And one of my greatest concerns is
17 that New Hampshire may have regulations that
18 are not as stringent as our neighboring
19 states, and that puts us in a really
20 precarious position. New Hampshire wants
21 very, very much to be welcoming to business.
22 This is not the way to do it. We desperately
23 need to protect ourselves.

24 I grew up in New Jersey. And to

1 hear that in New Jersey that they have more
2 stringent standards than we do in New
3 Hampshire is a little bit of a shock, because
4 it seems that the industrial situation in New
5 Jersey is so much higher than here in New
6 Hampshire, and yet we're opening ourselves to
7 that exposure, which is not acceptable. I
8 guarantee everyone that's in this room,
9 whether they support increasing regulation or
10 not, loves this state. And we appreciate its
11 scenic beauty. And part of that is that
12 feel, that sense that we are surrounded by
13 beautiful, pristine, fresh water, which isn't
14 true anymore. And I personally feel that's a
15 really unfortunate state for us to be in.

16 So I ask that you please not only
17 put us up to the degree that other states are
18 having regulations, but to go further than
19 that, because as others have said, there is
20 no safe regulation. There is no safe amount
21 of PFAS in our water. So we need to be
22 moving ahead on that and to be acting
23 proactively, not just reactively. Thank you
24 for your time.

1 HEARING OFFICER DEMAS: Thank you,
2 Ms. Scherr.

3 Barbara Reid, New Hampshire
4 Municipal Association.

5 MS. REID: Good afternoon. I'm
6 Barbara Reid. I'm with the New Hampshire
7 Municipal Association. The New Hampshire
8 Municipal Association, we represent 232 out
9 of 234 municipalities in the state of New
10 Hampshire, along with a number of our
11 affiliate members and associate members.

12 And first of all, I did want to say
13 that we very much appreciate the process the
14 Department of Environmental Services has
15 taken in this rule-setting process,
16 particularly the time that you've given us to
17 analyze the information that you've presented
18 regarding how you came to these standards,
19 and the opportunity to provide additional
20 comments over the next month. And that is
21 what we intend to do is to provide additional
22 written comments. So I did briefly just want
23 to make a few comments here today.

24 One of the things that we agree

1 with and are very concerned with is similar
2 to the comments that the Business and
3 Industry Association mentioned regarding the
4 cost/benefit analysis, or lack thereof. At
5 New Hampshire Municipal Association, we
6 strongly supported Senate Bill 309 last year
7 because we recognized that the best way to
8 set these standards was through the
9 professionals at the Department of
10 Environmental Services. But additionally, we
11 also felt that that cost/benefit analysis was
12 a very important consideration and understood
13 that that would be incorporated in the
14 process. And based on the report that was
15 submitted, that you submitted, it does
16 indicate that. That seems to be lacking in
17 the process that you've gone through so far.

18 The other piece that I did want to
19 mention is that we do have a concern
20 regarding a violation of Part I, Article 28-a
21 of the New Hampshire Constitution, which
22 deals with state unfunded mandates being
23 pushed onto municipalities. And what that
24 provision requires is that, if there are

1 costs associated with a state policy, then
2 the state is responsible for funding
3 compliance with that; otherwise, those
4 policies become voluntary.

5 There's also similar language in
6 RSA 541-A, which is your rulemaking
7 authority, and it specifically addresses
8 public water systems and wastewater systems.
9 So there is similar language there regarding
10 unfunded mandates. So we're very concerned
11 with at least the way these rules are being
12 presented now. It appears that the
13 presumption is that the costs to address
14 these contaminants and the treatments and the
15 ongoing monitoring will all fall on the
16 ratepayers or property taxpayers. We know
17 that in -- or at least my understanding is
18 that in the state of New York, when they
19 significantly lowered their standards, the
20 state put forth hundreds of millions of
21 dollars to help municipalities address the
22 compliance with those standards and to assist
23 them in terms of the monitoring and the
24 treatment that was going to be done. So I

1 think one of the previous speakers mentioned
2 that a piece of this should include how are
3 we going to fund this. And I think that we
4 absolutely agree with that, too. The state
5 of New Hampshire needs to step up and help
6 identify how we're going to pay for these
7 costs. Municipalities, our public water
8 systems, our public wastewater systems, they
9 did not create these contaminations. But it
10 appears that the full burden, the financial
11 burden of addressing the clean-up for this is
12 falling on them, and I think we need to take
13 a broader and bigger look at how are we going
14 to fund this.

15 And with that, as I said, we'll be
16 submitting additional written comments before
17 the deadline. Thank you.

18 HEARING OFFICER DEMAS: Thank you.
19 Shelagh Connelly. Did I pronounce
20 your name correctly?

21 MS. CONNELLY: Yeah. Good job.
22 Good afternoon. Thank you for
23 having this hearing. I am speaking this
24 afternoon on behalf of the New Hampshire

1 Water Pollution Control Association. This is
2 an association of all the wastewater
3 treatment plants throughout New Hampshire,
4 and we have 300-plus members representing all
5 the wastewater treatment plants that are run
6 by municipalities. And I'd just like to say
7 that the association welcomes science-based
8 technology and sound regulation. We believe
9 that this is important to sort of get a
10 handle on the playing field so that we can
11 comply with the water-quality requirements
12 that the state of New Hampshire has.

13 As water quality professionals, we
14 are committed to protecting public health and
15 environment. This is our role. This is why
16 treatment plants were built, and this is what
17 we do 24/7. That said, we have concerns
18 about the nexus of cost and the proposed PFAS
19 limits. We believe that, like many other
20 compounds over the years that have become
21 regulated, that it's being driven by better
22 and better detection limits at labs and that
23 just because you can detect something doesn't
24 necessarily mean that we need to act on that.

1 Having fully documented health impacts as a
2 result of research has not been as robust a
3 component of this rulemaking process as one
4 might like. That said, wastewater treatment
5 facilities follow regulations to treat water
6 and many different compounds. And if this is
7 the next chapter in the suite of chemicals
8 that are used by society, then wastewater
9 treatment facilities in New Hampshire will
10 comply. And we look to DES for a logical set
11 of rules and the funding to achieve such
12 compliance. To be clear, wastewater
13 treatment facilities do not create PFAS.
14 Wastewater treatment facilities merely convey
15 what society consumes and releases.
16 Wastewater treatment plants were never
17 designed to handle these compounds or many of
18 the other emerging compounds. We stand ready
19 to play our part in this process. We ask
20 that sound science be the foundation and that
21 the funding component is strongly evaluated
22 so that we can do what needs to be done to
23 keep our public health and environment safe
24 and clean. Thank you.

1 HEARING OFFICER DEMAS: Thank you,
2 Ms. Connelly.

3 All right. That was the last
4 comment card that I have. Does anybody else
5 wish to speak that didn't have a chance to?

6 [No verbal response]

7 Also, we did tell you that we were
8 hoping to move things along. So I asked you
9 to keep it short. We had fewer comments than
10 I anticipated. So if anybody felt like they
11 didn't get an opportunity to fully comment,
12 you're welcome to come back up.

13 [No verbal response]

14 HEARING OFFICER DEMAS: All right.
15 There being nothing further, then the hearing
16 is closed. Thank you all for coming and for
17 offering your comments. Please remember that
18 written comments can still be submitted up
19 until the close of business on April 12th.
20 Thank you very much.

21 (Hearing concluded at 1:39 p.m.)

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C E R T I F I C A T E

I, Susan J. Robidas, a Licensed
Shorthand Court Reporter and Notary Public
of the State of New Hampshire, do hereby
certify that the foregoing is a true and
accurate transcript of my stenographic
notes of these proceedings taken at the
place and on the date hereinbefore set
forth, to the best of my skill and ability
under the conditions present at the time.

I further certify that I am neither
attorney or counsel for, nor related to or
employed by any of the parties to the
action; and further, that I am not a
relative or employee of any attorney or
counsel employed in this case, nor am I
financially interested in this action.

Susan J. Robidas, LCR/RPR
Licensed Shorthand Court Reporter
Registered Professional Reporter
N.H. LCR No. 44 (RSA 310-A:173)

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