



The State of New Hampshire
Department of Environmental Services



Robert R. Scott, Commissioner

March 8, 2021

The Honorable Carol McGuire
Chair, House Executive Departments & Administration Committee
Legislative Office Building, Room 306
Concord, NH 03301

RE: HB 141-FN, AN ACT requiring the department of environmental services to maintain a public registry of where certain fire suppressants have been used.

Dear Chair McGuire and Members of the Committee:

Thank you for the opportunity to testify on HB 141-FN. This bill would repeal and reenact RSA 154:8-b, XI, which currently states that *“Any time a class B firefighting foam to which PFAS chemicals have been intentionally added is discharged, the municipality making such discharge shall notify the department of environmental services within 48 hours of such discharge.”* HB 141 would amend this provision of the law to significantly broaden the scope of the reporting requirements and include a requirement that NHDES establish a public registry on its website for compilation and analysis of information relating to the sites where the class B firefighting foam has been discharged, stored, captured, collected, managed, or disposed of. NHDES is supportive of the bill’s intent, but has some concerns relative to the effective date for reporting and the bill’s failure to make an appropriation for its implementation.

Current law under RSA 154:8-b, XI requires municipalities to report only *discharges* of Class B foams. This bill would significantly expand that reporting to include notification of all areas where such foams have been stored, captured, collected, managed, or disposed of. NHDES supports these reporting requirements, which would help to identify where foams may have been released, help the agency prioritize investigative and cleanup resources, and ensure clean, safe drinking water is provided to New Hampshire residents. We further support the creation of a public registry, which will help to inform the public about this topic of high interest.

The bill provides that persons or municipalities shall make the required notifications to NHDES within 120 days of the bill’s effective date. NHDES notes that the bill also requires NHDES to adopt rules relative to the content and design of the forms to be used for reporting. Given the time necessary to develop the forms, complete rulemaking, and advertise the reporting requirements to stakeholders, NHDES believes it would be appropriate to provide a little more time before reporting is required. We would suggest amending line 13 of the bill, by replacing “120 days” with “180 days.” NHDES also notes its concern that while the fiscal note estimates that an additional ½ FTE position would be required to administer the provisions of the bill, no appropriation of funds is included.

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Thank you again for the opportunity to comment on HB 141-FN. Should you have questions or need additional information, please feel free to contact either Mike Wimsatt, Waste Management Division Director, at michael.wimsatt@des.nh.gov or (603) 271-1997, or Karlee Kenison, Hazardous Waste Remediation Bureau Administrator, at karlee.kenison@des.nh.gov or (603) 271-3744.

Sincerely,

A handwritten signature in black ink, appearing to read "Robert R. Scott", with a long horizontal flourish extending to the right.

Robert R. Scott
Commissioner

ec: Sponsors of HB 141: Representatives Rung, Edgar, Petrigno, Meuse, Cushing, Levesque, Weston,
Senator Sherman