



2022 PFAS Legislation Update

BIA/NHDES AIR & WATER REGULATORY CONFERENCE
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2022 PFAS Legislation Statistics



- ▶ 13 bills proposed
- ▶ 3 bills enacted into law
- ▶ 7 bills assigned to interim study
- ▶ 3 bills voted inexpedient to legislate

Bills Enacted into Law



- ▶ HB 1185
 - ▶ Relative to treatment of water contaminated with perfluorinated chemicals

- ▶ HB 1546-FN
 - ▶ Enabling the commissioner of DES to adopt rules relative to airborne PFAS in certain circumstances (2nd new title)

- ▶ HB 1547-FN
 - ▶ Relative to perfluorinated chemical remediation in soil and procedures for certain hazardous waste generators (new title)

HB 1185 – Wastewater testing and acceptance



- ▶ Prime Sponsor: Rep. Rosemarie Rung
- ▶ Authorizes wastewater treatment plants to require industrial/commercial facilities or septage haulers of such wastewaters to conduct PFAS testing, including:
 - ▶ Identification of potential PFAS sources using safety data sheets or similar
 - ▶ Analytical testing of PFAS levels in discharge and reporting to WWTP
 - ▶ Annual reporting to the municipality where WWTP is located
- ▶ Compliance required within 90 days of notification
- ▶ WWTP may refuse to accept discharge if levels of PFAS are above levels determined acceptable by WWTP

HB 1546-FN – Health effects review for airborne PFAS



- ▶ Prime Sponsor: Rep. Bill Boyd
- ▶ Directs commissioner to consider peer-reviewed studies of health effects as a result of inhalation exposure to individual PFAS compounds
 - ▶ Includes acute, chronic, mutagenic, reproductive, or developmental health effects
 - ▶ Review by January 1, 2023 and annually thereafter
- ▶ Commissioner must determine whether to modify, via rulemaking, any classification or ambient air limit for the compound

HB 1547-FN – Rulemaking re PFAS & HW program; RLF Grants



- ▶ Prime Sponsor: Rep. Maureen Mooney
- ▶ Directs commissioner to conduct rulemaking specific to application of state law to PFAS contamination
 - ▶ Includes Safe Drinking Water Act (RSA 485), Groundwater Protection Act (RSA 485-C), Hazardous Waste Management Act (RSA 147-A), and Hazardous Waste Cleanup Fund (RSA 147-B)
 - ▶ Set soil remediation standards for PFOA, PFOS, PFHxS, and PFNA
 - ▶ May include requirement for testing of additional PFAS
 - ▶ Initiate rulemaking by November 1, 2023

HB 1547-FN – Rulemaking re PFAS & HW program; RLF Grants, cont'd



- ▶ Amends RSA 485-C to clarify and make more explicit:
 - ▶ Authority to establish soil remediation standards
 - ▶ Authority to require persons liable for or causing or contributing to contamination to provide safe, alternate water to impacted well owners
- ▶ Eliminates inconsistency between state and federal rules relative to the nomenclature used to describe hazardous waste generators
 - ▶ Eliminates confusion
 - ▶ Simplifies future rulemaking

HB 1547-FN – Rulemaking re PFAS & HW program; RLF Grants, cont'd



- ▶ Appropriates \$25 million in State general funds to the PFAS Remediation Loan Fund
 - ▶ Allocated for grants and reimbursements
- ▶ Effectively doubles funding dedicated to PFAS grants
 - ▶ Water system improvements
 - ▶ PFAS Rebate Program for private wells

Questions

