



The State of New Hampshire  
**Department of Environmental Services**



**Robert R. Scott, Commissioner**

February 12, 2019

The Honorable Suzanne Smith  
Chair, House Resources, Recreation and Development Committee  
Legislative Office Building, Room 305  
Concord, NH 03301

**RE: HB 261 - requiring the commissioner of the department of environmental services to revise rules relative to arsenic contamination in drinking water**

Dear Chair Smith and Members of the Committee:

Thank you for the opportunity to testify on HB 261. As introduced, this bill would require the commissioner of the New Hampshire Department of Environmental Services (NHDES) to revise the ambient groundwater quality standard (AGQS) and the drinking water maximum contaminant level (MCL) for arsenic to a value not to exceed 0.5 parts per billion. NHDES has concerns with the bill as introduced, but we understand that the prime sponsor intends to introduce an amendment that would require NHDES to initiate rulemaking pursuant to its existing authorities to revise the AGQS and the MCL for arsenic to a value not to exceed 5 micrograms per liter (5 parts per billion – ppb). The amended bill would also amend Chapter 190:1 of Laws of 2018 (HB 1592) to delete the provision that any proposed change to the AGQS for arsenic would require the approval of the General Court. If HB 261 is amended in this fashion, NHDES would fully support the bill.

Last year, HB 1592 directed NHDES to “review the ambient groundwater standard for arsenic to determine whether it should be lowered, taking into consideration the extent to which the contaminant is found in New Hampshire, the ability to detect the contaminant in public water systems, the ability to remove the contaminant from drinking water, the impact on public health, and the costs and benefits to affected entities that will result from establishing the standard.” NHDES completed the required review during the summer and fall of 2018, and submitted its report to the chairs of this committee and the Senate Energy and Natural Resources Committee on December 31, 2018.

NHDES’ report includes a recommendation and proposal that rulemaking be initiated to lower the AGQS for arsenic to 5.0 micrograms per liter (5.0 ppb) and to lower the MCL for arsenic to 5.0 micrograms per liter (5.0 ppb) as a running annual average.” As outlined in the report, NHDES believes that lowering the standard to 5.0 ppb will result in significant and lasting public health benefits that outweigh the costs of compliance with the new standards. A copy of the summary section of the report is attached for reference.

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In summary, we anticipate that the bill sponsor will introduce an amendment to HB 261 that has the full support of NHDES. Thank you again for the opportunity to comment on this bill. Should you have further questions or need additional information, please feel free to contact either Sarah Pillsbury, Administrator, Drinking Water and Groundwater Bureau, ([sarah.pillsbury@des.nh.gov](mailto:sarah.pillsbury@des.nh.gov), 271-1168) or Paul Susca, Supervisor, Planning, Drinking Water and Groundwater Bureau ([paul.susca@des.nh.gov](mailto:paul.susca@des.nh.gov), 271-7061).

Sincerely,



Robert R. Scott  
Commissioner

cc: Sponsors of HB 261: Representatives Grassie, Adjutant, Cushing, and Murphy

Attachment: Summary section (3 pp) of NHDES report R-WD-18-20, "Review of the Drinking Water Maximum Contaminant Level (MCL) and Ambient Groundwater Quality Standard (AGQS) for Arsenic"