

LEGISLATIVE BULLETIN

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EPA Issues PFAS MCLs

On Tuesday, the U.S. Environmental Protection Agency (EPA) [released](#) the long-awaited PFAS Maximum Contaminant Levels (MCLs) in drinking water for six PFAS compounds. (Four of those PFAS compounds are [already regulated](#) in New Hampshire’s public drinking water.) Public water systems have until 2029 to implement solutions that reduce the EPA regulated PFAS compounds if monitoring shows that drinking water levels exceed those MCLs. The EPA regulated amounts are as follows:

Compound	Final MCL (enforceable levels)
PFOA	4.0 parts per trillion (ppt) (also expressed as ng/L)
PFOS	4.0 ppt
PFHxS	10 ppt
PFNA	10 ppt
HFPO-DA (commonly known as GenX Chemicals)	10 ppt
Mixtures containing two or more of PFHxS, PFNA, HFPO-DA, and PFBS	1 (unitless) Hazard Index

The final EPA MCL levels are lower than the comparable New Hampshire levels, and it is expected that public water systems will be required to spend hundreds of millions of dollars in New Hampshire alone to comply with the final EPA MCL levels. To date, New Hampshire has [spent more than](#) \$300 million in compliance with its own MCL levels, and has created a PFAS Remediation Loan Fund (supported by NHMA) which has made available \$50 million in loan funding and \$35 million in grants to public water systems.

All of that grant funding and most of that loan funding has been exhausted. We anticipate that the remaining \$15.6 million in loan funding will be insufficient to meet the need of municipalities with public water systems throughout the state, even in conjunction with the [\\$9,457,000 allocated](#) by the federal government for compliance, based on NH Department of Environmental Services [comments](#).

With the impending costs associated with enactment of the PFAS MCL, we fear that there will be no opportunity for excess state (or federal) dollars to be dedicated to public water system expansion. (We do, however, expect some limited expansion as interconnections will be used to reduce PFAS levels via mixing of sources.) As much of the housing conversation has centered on the availability of public water and sewer, the new PFAS regulations could result in every spare dollar being dedicated to compliance with the PFAS MCL rather than potential and intentional expansions of existing public water and sewer aimed at increasing opportunities for housing development.

We will learn more as the state begins assisting public water systems in determining the most cost-effective manner of complying with the PFAS MCL, and the requirements associated with the federal funding and the opportunity for New Hampshire's public water systems to qualify for that funding. Additionally, other monies may become available as the PFAS manufacturer lawsuits are either settled or brought to trial; however, the amount of money and the allocations to New Hampshire are, as of now, still unknown.

“Sanctuary City” Bill Would Create New Local Mandate

On **Wednesday, April 17 at 11:30 a.m.** in **LOB room 202-204**, the [House Criminal Justice and Public Safety Committee](#) will hear [SB 563](#), a bill that would prohibit the adoption of sanctuary city policies by cities and towns. Although the bill has been described as “permissive,” **SB 563** creates a new mandate by *requiring* that “[a] law enforcement agency shall use best efforts to support the enforcement of federal immigration law.” NHMA opposes this bill as a clear intrusion on local control, usurping the authority of municipalities and local police departments to make decisions about how staff and resources should be allocated. The bill proposes no funding from the state, and several provisions—including what using “best efforts” to comply means—would leave local officials guessing on how to comply.

In the Senate committee hearing, it was encouraging to hear so many people testify to the importance of local control and oppose the bill as overriding both the decision-making authority of municipal police departments and the residents they serve. Local officials should testify at the hearing or contact the committee to express opposition to this bill.

Please note that at **12:00 p.m.** that same day, the committee will hold a public hearing on [non-germane amendment #2024-1484h](#) to **SB 563**. The amendment would add a new section to the bill, creating and prohibiting a “tenancy at sufferance” for anyone who occupies a property without a written agreement permitting them to do so.

House Tables Digital Ballot Image Bill

Yesterday, the House voted 193-198 on a [roll call vote](#) to table [HB 1577](#), effectively killing the bill for the 2024 session. **HB 1577** initially passed the House but was sent to House Finance, which recommended an amendment, [2024-1347h](#), that would have disposed of the costs to the state by shifting them to municipalities. NHMA opposed this amendment.

In short, the bill would have allowed anyone to review, under the supervision of the Secretary of State, a digital copy of the ballots scanned by a ballot counting device after an election. The amendment in House Finance would have changed the review to copy and the copy would have to be provided by the municipality. As such, each city and town would be responsible for the costs associated with producing copies of the digital images of the ballots including, presumably, any costs associated with ensuring that the device(s) used to copy the memory card were secure and any costs associated with proprietary software necessary to provide readable copies of the ballots (instead of copies of whatever encrypted files are produced by the machines).

Disaster Relief Grants

This week, the House passed [HB 1466](#), which would establish a recovery fund and provide disaster relief grants to municipalities following a natural disaster. This bill is aimed at providing immediate relief to cities and towns while they apply for and await approval of other state federal funding sources. As this bill moves to the Senate, please contact your senator to support **HB 1466** and the much-needed liquidity of up to \$100,000 per year that this bill would provide to a city or town responding to a natural disaster.

Education Funding Update on Amended Bills

As reported in [Bulletin # 13](#), a bipartisan group of legislators and stakeholders have been working on policy changes that would begin to address adequate education funding. After many amendments, in a division vote of 205-177, the House passed [HB 1583](#), relative to the per pupil cost of an opportunity for an adequate education. As amended, the bill would increase the per pupil cost from \$4,100 to \$4,404 beginning July 1, 2025. **HB 1583** would also introduce relief funding and fiscal capacity disparity aid and outline conditions under which schools will receive the new forms of aid. Cities and towns with

a higher percentage of students eligible for free or reduced-priced meals or with lower equalized valuations per pupil will receive more aid. The fiscal note estimates an increase in state education trust fund expenditures to local school districts by approximately \$61.5 million in fiscal year 2025, \$74.3 million in fiscal year 2026, and \$67.7 million in fiscal year 2027, with additional expenditures for public charter schools and education freedom accounts.

A related bill, [HB 1656](#), passed the House after several floor amendments on a roll call vote of 349-26. This bill proposes changes to the calculation of adequate education grant amounts for pupils receiving special education services. The bill would create three categories of differential aid based on the level of special education services a pupil receives beginning July 1, 2024:

- Category A disability would provide an additional \$2,642 for each pupil who is receiving special education services for less than 80 percent of the school day;
- Category B disability would provide an additional \$5,285 for each pupil who is receiving special education services for 80 percent or more of the school day;
- Category C disability would provide an additional \$7,927 for each pupil who is receiving special education services in separate schools, residential facilities, or homebound/ hospital placements.

If this is a policy issue of concern to your municipality, we would encourage you to reach out to your senator and share your position.

Other Hearings to Watch

On **Wednesday, April 17 at 2:00 p.m.** in **LOB room 210-211**, the [House Finance Committee](#) will hold a public hearing on [SB 553](#). This bill would require that under the next contract, beginning in June of 2025, all funds held by the public deposit investment pool in New Hampshire (NH PDIP) be insured or collateralized and invested and within the state.

Also on **Wednesday, April 17 at 2:00 p.m.** in **LOB room 301-303**, the **House Municipal and County Government Committee** will hold a public hearing on [SB 532](#). This bill would require that all cities, towns, and school governing bodies disclose the amount of state aid grants and revenue sharing on their official town or school website within 30 days of receiving the funds. If a municipality does not have a website, the information must be posted in two appropriate public places.

Calendar Changes

If you are a long-time reader of the *Bulletin*, you will have noticed that the weekly schedule of hearings that we have long published has, increasingly, been out of date by the beginning of the week for which it is produced. That's because the shift in both the

House and Senate to digital calendars has made it easier for committees to reschedule when there is bad weather, when there are absences, or when issues with bills just haven't quite been worked out. As such, we are now going to link to the [House Digital Calendar](#) and [Senate Digital Calendar](#) instead of producing our own hearing schedule. For those of you with a particular interest in a particular bill or set of bills, please use the "subscribe" feature on [FastDemocracy](#) to get email updates when those bills are scheduled.

NHMA Events Calendar

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