

Regulatory Update

New Hampshire Water Works Association Water is Essential Seminar

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Chip Mackey

*NH Department of Environmental Services
Drinking Water and Groundwater Bureau*

Per- and Polyfluoroalkyl Substances

PFAS

PFAS

- **July 23, 2020 – Governor signed bill codifying PFAS MCLs in State statute and creating the PFAS Remediation Loan Fund**
- **September 3, 2020 – Temporary injunction lifted (Rules in Effect!)**
- **October 1, 2020 (Quarter 4 2020) – Systems are required to monitor PFAS per schedule**

NH PFAS MCLs

Drinking Water Standards (Env-Dw 705.06)

Contaminant	MCL (mg/L)	(ng/L= PPT)
Perfluorohexane sulfonic acid (PFHxS)	0.000018	18
Perfluorononanoic acid (PFNA)	0.000011	11
Perfluorooctane sulfonic acid (PFOS)	0.000015	15
Perfluorooctanoic acid (PFOA)	0.000012	12

PFAS Rules Review (Env-Dw 712)

- **Community & non-transient/non-community public water systems**
- **Distribution Entry Points**
- **Compliance**
 - **Running Annual Average (RAA)**

PFAS Rules Review (Env-Dw 712)

- **Initial Monitoring Round**
 - 4 consecutive quarters
 - If initial consecutive quarter results equal non-detect
 - minimum two quarters
 - $< 2 \text{ ng/L} = \text{non-detect (ND)}$
 - Up to two quarters of initial sampling round may be **waived**

PFAS Rules Review (Env-Dw 712)

- **Future PFAS Monitoring Frequency**
 - Based on Initial or Any Subsequent Monitoring Results
 - DES determines (Waiver not needed)

Average Monitoring Result (ng/L)	Frequency
> MCL or Treating for PFAS	Quarterly
> 50% of MCL to MCL	Annually
<=50% of MCL	Once every 3 years

Initial Monitoring in Consecutive Quarters

- **Many water systems stopped initial PFAS monitoring during the court injunction**
- **Interrupting the consecutive requirement for**
 - **4 consecutive Initial Quarters**
 - **Minimum 2 consecutive PFAS results = ND**

PFAS Monitoring Waivers?

- 1. Remaining Initial Samples if consecutive Quarters (minimum of 2) = ND (Env-Dw 712.23)**
- 2. Interruption of 4 consecutive quarters for initial monitoring (Env-Dw 202)**
- 3. Interruption of initial monitoring if a minimum 2 consecutive Quarters is needed to waive any remaining initial monitoring if a of minimum 2 results = ND (see 1 above) (Env-Dw 202)**

Waivers

If requested, DES will waive the consecutive requirement for any quarters missed during the time the injunction was in place

- Q1, Q2, Q3 2020
- **Systems missing a PFAS sample starting Q4 2020 WILL NOT be eligible for a waiver**
 - Monitoring and reporting violation
 - Start consecutive initial monitoring again

Waiver Requirements – Env-Dw 202

- System Specific (one system per waiver request)
- Full Explanation of Why (justification)
- Equally Protective of Public Health
- Cannot be granted solely because of cost
- Either signed by the **SYSTEM OWNER** or submitted with a note from the owner approving the submittal
- Submit via email

Justification for Waivers

- **Injunction was unforeseen (unable to plan)**
- **Additional cost to water systems if samples submitted in good faith are not counted**
- **Haven't seen a huge seasonal variation in PFAS**
- **Accelerated compliance with the MCLs to protect the public health**
- **Pandemic created operational & monitoring challenges**

DES will email specific waiver instructions and forms during the 4th quarter 2020

Laboratories Analyzing PFAS

- **Accredited by NHELAP**
- **Submit results electronically**
- **Approved PFAS methods only**
 - **EPA Method 533, 537, & 537.1**
- **Reporting/detection limit of 2 ng/L**

Questions!?!



Chip Mackey

chip.mackey@des.nh.gov

Act as if what you do makes a difference.

It does!

- William James

LIVE FREE OR DIE

NEW
HAMPSHIRE

NEW HAMPSHIRE

Department of Environmental Services

ARSENIC

Arsenic

- **New NH Arsenic MCL = 0.0050 mg/L**
- **Effective July 1, 2021**
- **The only thing that changed is the MCL**
- **Follows all current IOC monitoring rules**

Arsenic

- **Many systems will be placed on quarterly**
 - **Starting Quarter 3, 2021**
 - **Historic results > 50% of the MCL**
 - **Unless determined to be reliably and consistently below the new MCL**
 - **Standard monitoring = every three years**

Arsenic Compliance

- **Based on Running Annual Average**
- **Starting with Quarter 3 2021 Results**
 - Back 365 days
 - Or back to the date arsenic treatment was installed

**Remember any treatment installation or changes
MUST be pre-approved by DES**

**Recommend you review the
water system's arsenic history
and plan accordingly**



Questions!?!

Chip Mackey

chip.mackey@des.nh.gov

**Knowing is not enough; we must apply.
Willing is not enough; we must do.**

- Johann Wolfgang von Goethe