

Regulatory Update

New Hampshire Water Works Association Water is Essential Seminar

October 20, 2020

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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
Perfluoroctane sulfonic acid (PFOS)	0.000015	15
Perfluorooctanoic acid (PFOA)	0.000012	12



PFAS Rules Review (Env-Dw 712)

 Community & non-transient/noncommunity 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 nondetect
 - minimum two quarters
 - < 2 ng/L = non-detect (ND)</pre>
 - 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 <u>during the time</u> the injunction was in place

- Q1, Q2, Q3 2020
- Systems missing a PFAS sample starting Q4 2020
 <u>WILL NOT</u> 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



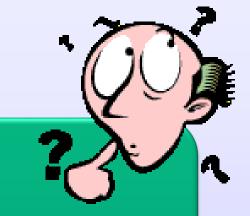
Laboratories Analyzing PFAS

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



Questions!?!





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Act as if what you do makes a difference. It does!

- William James

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!?!

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

- Johann Wolfgang von Goethe