

Text deleted from existing rules shown ~~struck through~~

Amend Env-Wq 402.05 intro and (c), eff. 9-1-18 (doc.#12553), to read as follows:

Env-Wq 402.05 Exemptions to Groundwater Quality Criteria. Groundwater shall be exempt from the groundwater quality criteria of Env-Wq 402.04(a) and (b) if:

...

(c) The only source of the groundwater contamination is:

(1) Salt and other de-icing chemicals applied for winter road maintenance, provided an active source of drinking water is not made unsuitable for use as drinking water without treatment; or

(2) Residual 1,4-dioxane, ***perfluorooctanoic acid, perfluorooctane sulfonic acid, perfluorononanoic acid, or perfluorohexane sulfonic acid, or any combination thereof***, from any facility that discharges treated wastewater to groundwater, provided:

a. The requirements of Env-Wq 402.251 are met; and

b. An active source of drinking water is not made unsuitable for use as drinking water without treatment.

Readopt with amendment Env-Wq 402.24, eff. 9-1-18 (doc.#12553), to read as follows:

Env-Wq 402.24 Groundwater Discharge Permit Compliance Criteria.

(a) Domestic wastewater shall receive primary treatment by settling of solids in subsurface disposal systems and at least secondary treatment as defined in 40 CFR 133 for other disposal methods, before discharge to the ground or ***to*** groundwater.

(b) Municipal wastewater, alone or in combination with domestic wastewater, shall receive treatment in compliance with RSA 485-A:13, I(a) before being discharged to the ground or ***to*** groundwater.

(c) Non-domestic wastewater, alone or in combination with domestic wastewater, shall be treated by BAT before being discharged to the ground or ***to*** groundwater.

(d) Except as provided in Env-Wq 402.251 for 1,4-dioxane, ***perfluorooctanoic acid, perfluorooctane sulfonic acid, perfluorononanoic acid, and perfluorohexane sulfonic acid***, no discharge shall cause the groundwater quality criteria set forth in Env-Wq 402.04 to be violated at any point beyond the boundary of a groundwater discharge zone.

(e) No discharge shall cause or contribute to a violation of surface water quality standards set forth in RSA 485-A or Env-Wq 1700.

(f) Subject to Env-Wq 402.251, the ~~level~~ ***concentration of the contaminants listed in table 402-2, below, shall not exceed the concentration specified in treated wastewater to be discharged to groundwater:***

Table 402-2: Maximum Concentration of Certain Contaminants in Treated Wastewater Discharged to Groundwater

<i>Contaminant</i>	<i>Maximum Concentration</i>
1,4-dioxane in treated wastewater to be discharged	to groundwater shall not exceed 2 µg/L.
<i>Perfluorooctanoic acid</i>	<i>AGQS established in Env-Or 603.03</i>
<i>Perfluorooctane sulfonic acid</i>	<i>AGQS established in Env-Or 603.03</i>
<i>Perfluorononanoic acid</i>	<i>AGQS established in Env-Or 603.03</i>
<i>Perfluorohexane sulfonic acid</i>	<i>AGQS established in Env-Or 603.03</i>

Amend Env-Wq 402.25(a) intro, (4) and (5), eff. 9-1-18 (doc.#12553), cited and to read as follows:

Env-Wq 402.25 Response to Exceedances.

(a) If any regulated contaminant is detected by the permittee's monitoring at a concentration that exceeds the applicable AGQS, the permittee shall:

(4) For exceedances of contaminants other than 1,4-dioxane, ***perfluorooctanoic acid, perfluorooctane sulfonic acid, perfluorononanoic acid, or perfluorohexane sulfonic acid, or any combination thereof***, from a facility that discharges treated wastewater to groundwater, prepare, submit, and implement a written response plan in accordance with (b) through (g), below, to ensure that groundwater quality criteria are not violated at the boundary of the groundwater discharge zone; and

(5) For exceedances of 1,4-dioxane, ***perfluorooctanoic acid, perfluorooctane sulfonic acid, perfluorononanoic acid, or perfluorohexane sulfonic acid, or any combination thereof***, from a facility that discharges treated wastewater to groundwater, proceed as specified in Env-Wq 402.251.

Readopt with amendment Env-Wq 402.251, eff. 9-1-18 (doc.#12553), to read as follows:

Env-Wq 402.251 Treatment for Excess 1,4-Dioxane ***and Certain Perfluorochemicals*** in Wastewater Discharged to Groundwater.

(a) If the level of ~~1,4-dioxane~~ ***any of the contaminants identified in Env-Dw 402.24(f), table 402-2***, in treated wastewater to be discharged to groundwater exceeds ~~2 µg/L~~ ***the maximum concentration established in table 402-2*** or if the level of ~~1,4-dioxane~~ ***any of the contaminants identified in Env-Dw 402.24(f), table 402-2***, in the groundwater at the perimeter of or outside the groundwater discharge zone exceeds the ***applicable*** ambient groundwater quality standard (AGQS) ~~for 1,4-dioxane~~ established in Env-Or 603, the facility discharging the wastewater shall:

(1) If the testing done pursuant to Env-Wq 402.25(a)(2) does not show the presence of ~~1,4-dioxane~~ ***any of the contaminants identified in Env-Dw 402.24(f), table 402-2***, in a private or public drinking water supply well at a concentration that exceeds the applicable AGQS, either:

- a. Treat the wastewater effluent using best available technology (BAT); or
- b. Implement an investigation and corrective action program (I&CA program) as described in (c) or (d), below, as applicable, to identify, assess, and address the potential source(s) of ~~1,4-dioxane~~ ***the contaminant(s)***; or

(2) If the testing done pursuant to Env-Wq 402.25(a)(2) shows the presence of ~~1,4-dioxane~~ ***any of the contaminants identified in Env-Dew 402.24(f), table 402-2*** in a private or public drinking water supply well at a concentration that exceeds the applicable AGQS and the department determines that it is more likely than not that the permitted wastewater discharge is the source of the ~~1,4-dioxane~~ ***contaminant(s)***, implement the response described in (1)***a. or b.***, above, and (e), below.

(b) Within 90 days of initiating the implementation of the response, the facility shall submit to the department a report of the response implemented that describes all investigative actions taken, the nature and date of each corrective action taken, and the results as demonstrated by sampling of the treated wastewater.

(c) If the permittee is a public wastewater collection and treatment system, the I&CA program required by (a)(2), above, shall include the following:

- (1) Assessment of each facility that discharges non-domestic wastewater to the wastewater system;
- (2) Sampling within the wastewater system or at facilities connected to the wastewater system to evaluate potential sources of ~~1,4-dioxane contamination~~ ***the contaminant(s)***; and
- (3) Modification of operations at facilities discharging non-domestic wastewater as needed to reduce or eliminate sources that cause or contribute to elevated concentrations of ~~1,4-dioxane~~ ***the contaminant(s)***.

(d) If the permittee is not a public wastewater collection and treatment system, the I&CA program required by (a)(2), above, shall include the following:

- (1) A review of the materials used in the facility to identify potential sources of ~~1,4-dioxane contamination~~ ***the contaminant(s)***;
- (2) Sampling of the materials used in the facility to evaluate potential sources of ~~1,4-dioxane contamination~~ ***the contaminant(s)***; and
- (3) Modification of facility operations, ~~including but not limited to~~ ***such as installing treatment systems for wastewater or*** replacing the materials that are causing or contributing to elevated concentrations of ~~1,4-dioxane~~ ***the contaminant(s)*** to the extent practicable.

(e) If required by (a)(2), above, the permittee shall:

- (1) Expand the testing of public and private drinking water wells beyond 1,000 feet as necessary to determine the extent of the exceedance of the applicable AGQS in drinking water supplies; and
- (2) Within 21 days of receiving the test results obtained pursuant to (1), above, submit a proposed response plan to the department that evaluates the relative costs and benefits of:
 - a. Installing treatment to remove the contaminant(s) from the water supplied from the well; or
 - b. ~~Providing~~ ***Supplying*** alternate water to those served by the drinking water supply by:
 - 1. ~~Providing~~ ***Supplying*** bottled water as an interim mitigation measure until a long-term water supply alternative is provided; and
 - 2. Providing a long-term alternative water supply by:
 - (i) Installing, testing, and maintaining a point-of-entry water treatment system at each structure served; or
 - (ii) Connecting each structure served to a public water system.

(f) The response plan ~~is~~ submitted pursuant to (e)(2), above, shall include:

- (1) A recommendation for providing alternate water; and
- (2) A schedule for implementing the response plan.

(g) The department shall:

- (1) Approve the plan, including the schedule, if it determines that the plan is adequate to protect public health; and
- (2) Notify the permittee of its determination in writing, provided that if the plan is not approved the department shall identify the reason(s) why.

(h) The permittee shall implement the response plan in accordance with the schedule approved by the department.

APPENDIX A: STATE STATUTES & FEDERAL REGULATIONS IMPLEMENTED

Rule Section(s)	State Statute(s) Implemented	Federal Regulations Implemented
Env-Wq 402.05 intro & (c)	RSA 485-C:6	40 CFR 144, 145, & 146
Env-Wq 402.24; 402.25(a) intro, (4) & (5); 402.251	RSA 485-A:13, I(a)	40 CFR 144, 145, & 146