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Amend Env-Dw 701.03, eff. 1-1-19 (doc. #12664), by inserting new paragraph (d) and renumbering existing paragraphs (d) and (e) as (e) and (f), respectively, so that Env-Dw 701.03 intro and (d)-(f) are cited and read as follows:

Env-Dw 701.03 Units of Measure for Maximum Contaminant Levels (MCLs) and Maximum Contaminant Level Goals (MCLGs). The units of measure for MCLs and MCLGs shall be as follows:

- (d) ***Nanograms per liter, abbreviated as ng/L;***
- (~~e~~) Millirem per year, abbreviated as mrem/year; and
- (~~f~~) Fibers per liter, abbreviated as fibers/L.

Adopt Env-Dw 705.06 to read as follows:

Env-Dw 705.06 MCLs and MCLGs for Health-Related Regulated Perfluorochemical (PFC) Contaminants.

(a) The MCLs and MCLGs for the health-related regulated perfluorochemical (PFC) contaminants specified in (b), below, shall apply to community water systems and non-transient non-community water systems.

(b) The MCLs and MCLGs for PFC contaminants shall be as specified in Table 705-7, below:

Table 705-7: PFC Contaminant MCLs and MCLGs

PFC Contaminant	MCL (mg/L)	MCLG (mg/L)
Perfluorononanoic acid (PFNA)	0.000023	0
Perfluorohexane sulfonic acid (PFHxS)	0.000085	0
Perfluorooctanoic acid (PFOA)	0.000038	0
Perfluorooctane sulfonic acid (PFOS)	0.000070	0
PFOA and PFOS combined	0.000070	0

(c) Monitoring and compliance for PFC contaminants shall be as specified in Env-Dw 707, Env-Dw 708, and Env-Dw 712.

Amend Env-Dw 707.06 (d) and (e), eff. 1-1-19 (doc. #12666), cited and to read as follows:

Env-Dw 707.06 Sample Analysis Methods; Sample Collection Protocol; Approval of Alternative Methods.

(d) The request shall include all relevant information, including:

- (~~1~~) ~~The name and PWS identifier of each PWS for which the alternative method would be used;~~
- (~~2~~) The reason(s) for requesting approval of the alternate method; and
- (~~3~~) Analytical data demonstrating the precision and accuracy of the alternative method as it relates to the determination of compliance with the applicable standard.

(e) An alternative ~~technique~~ ***method*** shall be approved only if the NH ELAP program manager with the concurrence of the administrator of the U.S. EPA determines that the method is equivalent to or better than the prescribed test in both precision and accuracy as it relates to the determination of compliance with the applicable standard.

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Adopt Env-Dw 712.23 through Env-Dw 712.30 to read as follows:

Env-Dw 712.23 Initial Monitoring for Perfluorochemical (PFC) Contaminants.

(a) Beginning with the first quarter following the 2019 effective date of this section, the O/O of an existing community water system or existing non-transient, non-community water system shall collect 4 consecutive quarterly samples for the health-regulated perfluorochemical contaminants listed in Env-Dw 705.06 (health-related PFC contaminants) at each sampling point identified in the sampling schedule established pursuant to Env-Dw 708.01.

(b) Beginning with the first quarter following the initiation of operations of a new community water system or new non-transient, non-community water system, the O/O shall collect 4 consecutive quarterly samples for the health-regulated PFC contaminants listed in Env-Dw 705.06 at each sampling point identified in the sampling schedule established pursuant to Env-Dw 708.01.

(c) If the monitoring required by (a) or (b), above, reveals statistically-significant variations in the concentration of health-regulated PFC contaminants in the source(s) or within the system, the O/O shall increase the monitoring frequency to the frequency that is necessary to accurately identify consumer exposure to the health-regulated PFC contaminants; and

(d) If the monitoring required by (a) or (b), above, reveals no variations or statistically-insignificant variations in the concentration of health-regulated PFC contaminants in the source(s) or within the system, the O/O shall monitor on the frequency specified in Env-Dw 712.24 or Env-Dw 712.27, as applicable.

Env-Dw 712.24 Monitoring Frequency for PFC Contaminants.

(a) Subsequent to the initial monitoring required by Env-Dw 712.23 and subject to Env-Dw 712.26, the O/O shall monitor for all health-regulated PFC contaminants based on the PFC contaminant with the most frequent monitoring period calculated from the average of the results of the initial monitoring required by Env-Dw 712.23, as specified in Table 712-1, below, and as shown in Appendix D for specific PFC contaminants:

Table 712-1: Monitoring Frequency Based on Health-Regulated PFC Contaminant Concentrations

Average Monitoring Result (ng/L)	Frequency
> 75% of MCL to MCL	Annually
> 20% of MCL to ≤ 75% of MCL	Once every 3 years
> Non-detect (ND) to ≤ 20% of MCL	Once every 6 years
ND	Once every 9 years

(b) Subsequent sample results shall be used to establish future PFC contaminant sampling schedules using the shortest PFC monitoring period specified in Table 712-1.

(c) Based on a review of the submitted results, the department shall modify the system's schedule in accordance with Table 712-1 and notify the O/O in writing of the new monitoring requirements.

Env-Dw 712.25 Monitoring Location for PFC Contaminants.

(a) The O/O of a PWS supplied by a groundwater source shall collect at least one sample at every entry point to the distribution system. Each entry point shall be representative of each well after treatment, as specified in the sampling schedule established pursuant to Env-Dw 708.01.

(b) The O/O of a PWS supplied by a surface water source or a combination of surface water and groundwater shall collect at least one sample at points in the distribution system that are representative of each source or at each entry point to the distribution system after treatment, as specified in the sampling schedule established pursuant to Env-Dw 708.01.

(c) If the O/O believes that conditions make another sampling point more representative of a source, treatment plant, or distribution system, the O/O shall request a change in sampling location pursuant to Env-Dw 708.04.

(d) If a PWS obtains water from more than one source and the sources are combined prior to entering the distribution system, the O/O shall collect the samples at an entry point to the distribution system during periods of normal operating conditions, when water from all sources is being used.

Env-Dw 712.26 Confirmation Sampling for PFC Contaminants.

(a) Subject to (c), below, if a PFC contaminant is detected in a representative sample at a level greater than or equal to 50% of the MCL, the O/O shall:

- (1) Collect a confirmation sample under the same contributing conditions within 14 days of being notified of the result; and
- (2) Have the sample analyzed for the contaminant(s) detected.

(b) If a confirmation sample is required pursuant to (a) above, the results of the initial and confirmation samples shall be averaged to determine compliance with MCL specified in Env-Dw 705.06.

(c) If results from the sampling point or the contributing sources have historically demonstrated the presence of that PFC contaminant, then:

- (1) A confirmation sample shall not be required; and
- (2) The monitoring frequency for the approved sampling point shall be determined pursuant to Env-Dw 712.24 or Env-Dw 712.27, as applicable.

Env-Dw 712.27 Increased Monitoring for PFC Contaminants. The O/O shall collect and analyze quarterly PFC samples at all sampling points if:

- (a) The running annual average for any PFC contaminant at the sampling point is above the applicable MCL; or
- (b) The PWS is operating any type of treatment to reduce the amount of a PFC contaminant.

Env-Dw 712.28 Laboratory Methods, Sampling Protocols, and Method Reporting Limits for PFC Contaminants.

(a) Analysis for PFC contaminants shall be conducted only by laboratories that are accredited by the department for such analyses pursuant to Env-C 300.

(b) Samples to be analyzed for PFC contaminants shall be collected in accordance with the protocol specified in the sample analysis method approved per Env-Dw 707.06.

(c) Method reporting limits for PFC contaminants shall not exceed those set forth in Table 712-2, below:

Table 712-2: Method Reporting Limits for PFC Contaminants

PFC Contaminant	Method Reporting Limit
Perfluorooctanoic acid (PFOA)	2 ng/L
Perfluorooctane sulfonic acid (PFOS)	2 ng/L
Perfluorononanoic acid (PFNA)	2 ng/L
Perfluorohexane sulfonic acid (PFHxS)	2 ng/L

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Env-Dw 712.29 Compliance Determination for PFC Contaminants; Limiting Public Notice.

(a) Compliance with Env-Dw 705.06 shall be determined using the analytical results obtained at each sampling point which is an entry point to the distribution system, as specified in the sampling schedule established pursuant to Env-Dw 708.01.

(b) For any PWS that conducts monitoring at a frequency greater than annually, the department shall determine compliance by calculating a running annual average of all samples collected at each sampling point. If the annual average of any sampling point is greater than the MCL, then the department shall identify the PWS as out of compliance.

(c) If monitoring is conducted annually or less frequently, then the department shall identify the PWS as being out of compliance if the level of a contaminant at any sampling point is greater than the MCL.

(d) If a PWS has a distribution system with portions that are hydraulically separate from other parts of the distribution system, the O/O may request approval from the department pursuant to Env-Dw 801 to limit the notice to only that portion that is out of compliance.

Env-Dw 712.30 Recordkeeping and Reporting for PFC Contaminants. An O/O shall:

(a) Maintain records of PFC contaminant analyses for 10 years and as specified in Env-Dw 718; and

(b) Report monitoring results for PFC contaminants as specified in Env-Dw 719.

Change the heading of Env-Dw 808 to read as follows:

PART Env-Dw 808 HEALTH EFFECTS LANGUAGE FOR SYNTHETIC ORGANIC CHEMICAL (SOC) CONTAMINANTS ***AND PERFLUORO CHEMICAL (PFC) CONTAMINANTS***

Readopt with amendment Env-Dw 808.01, eff. 1-1-19 (doc. #12675), to read as follows:

Env-Dw 808.01 Required Health Effects Language for Regulated Synthetic Organics Chemical (SOC) Contaminants ***and Perfluorochemical (PFC) Contaminants***. The O/O shall use the statements specified in this part, as applicable, as the statement required by Env-Dw 801.03(~~ea~~)(3) to describe the adverse health effects for the synthetic organic chemical (SOC) contaminants specified in Env-Dw 705.02 ***and the perfluorochemical (PFC) contaminants specified in Env-Dw 705.06.***

Adopt Env-Dw 808.27 through Env-Dw 808.30 to read as follows:

Env-Dw 808.27 Perfluorononanoic Acid (PFNA). For perfluorononanoic acid (PFNA) violations, the statement shall read as follows:

“Perfluorononanoic acid (PFNA) is a perfluorochemical (PFC). Some infants and young children who drink water containing a PFC in excess of the MCL could experience growth, learning, or behavioral issues. Some people who drink water containing a PFC in excess of the MCL over many years could experience problems with their endocrine system, immune system function, or an increased cholesterol level, and may have an increased risk of getting cancer. It may also lower a women’s chance of getting pregnant.”

Env-Dw 808.28 Perfluorohexane Sulfonic Acid (PFHxS). For perfluorohexane sulfonic acid (PFHxS) violations, the statement shall read as follows:

“Perfluorohexane sulfonic acid (PFHxS) is a perfluorochemical (PFC). Some infants and young children who drink water containing a PFC in excess of the MCL could experience growth, learning, or behavioral issues. Some people who drink water containing a PFC in excess of the MCL over many years could experience problems with their endocrine system, immune system

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function, or an increased cholesterol level, and may have an increased risk of getting cancer. It may also lower a women's chance of getting pregnant."

Env-Dw 808.29 Perfluorooctanoic Acid (PFOA). For perfluorooctanoic acid (PFOA) violations, the statement shall read as follows:

"Perfluorooctanoic acid (PFOA) is a perfluorochemical (PFC). Some infants and young children who drink water containing a PFC in excess of the MCL could experience growth, learning, or behavioral issues. Some people who drink water containing a PFC in excess of the MCL over many years could experience problems with their endocrine system, immune system function, or an increased cholesterol level, and may have an increased risk of getting cancer. It may also lower a women's chance of getting pregnant."

Env-Dw 808.30 Perfluorooctane Sulfonic Acid (PFOS). For perfluorooctane sulfonic acid (PFOS), violations, the statement shall read as follows:

"Perfluorooctane sulfonic acid (PFOS) is a perfluorochemical (PFC). Some infants and young children who drink water containing a PFC in excess of the MCL could experience growth, learning, or behavioral issues. Some people who drink water containing a PFC in excess of the MCL over many years could experience problems with their endocrine system, immune system function, or an increased cholesterol level, and may have an increased risk of getting cancer. It may also lower a women's chance of getting pregnant."

Amend Env-Dw 811.02, eff. 1-1-19 (doc. #12675), by amending paragraph (d), cited and to read as follows:

Env-Dw 811.02 Definitions. ...

(d) "Detected" means the presence of any primary or secondary drinking water contaminant including:

- (1) Microbiological ***contaminants***;
- (2) Radiological ***contaminants***;
- (3) IOC ***contaminants***;
- (4) VOC ***contaminants***;
- (5) SOC ***contaminants***; ~~and~~
- (6) ***PFC contaminants***; ***and***
- (67) Disinfection by-products;

Amend Env-Dw 811.07(c), eff. 1-1-19 (doc. #12675), cited and to read as follows:

Env-Dw 811.07 Health Effects Language.

(c) Subject to (d), below, the CWS O/O shall use the following language to satisfy the requirements of (b), above:

"The sources of drinking water (both tap water and bottled water) include rivers, lakes, streams, ponds, reservoirs, springs, and wells. As water travels over the surface of the land or through the ground, it dissolves naturally-occurring minerals and, in some cases, radioactive material, and can pick up substances resulting from the presence of animals or from human activity.

Contaminants that may be present in source water include:

Microbial contaminants, such as viruses and bacteria, which may come from sewage treatment plants, septic systems, agricultural livestock operations, and wildlife.

Inorganic contaminants, such as salts and metals, which can be naturally occurring or result from urban stormwater runoff, industrial or domestic wastewater discharges, oil and gas production, mining or farming.

Pesticides and herbicides, which may come from a variety of sources such as agriculture, urban stormwater runoff, and residential uses.

Organic chemical contaminants, including ***perfluorochemicals***, synthetic ***organic chemicals***, and volatile organic chemicals, which are byproducts of industrial processes, ***wastewater treatment, residuals from firefighting foams***, and petroleum production, and can also come from gas stations, urban stormwater runoff, and septic systems.

Radioactive contaminants, which can be naturally- occurring or be the result of oil and gas production and mining activities.

In order to ensure that tap water is safe to drink, EPA prescribes regulations ~~which~~***that*** limit the amount of certain contaminants in water provided by public water systems. The United States Food and Drug Administration (FDA) regulations establish limits for contaminants in bottled water, which must provide the same protection for public health.”

Amend Env-Dw 811.22(b), table 811-1, eff. 1-1-19 (doc. #12675), by inserting at the end of table 811-1 a new portion for perfluorochemical contaminants, so that Env-Dw 811.22(b) intro and table 811-1 with respect to perfluorochemical contaminants are cited and read as follows:

Env-Dw 811.22 Contaminant Source Information.

(b) If the O/O lacks specific information on the likely source of the detected contaminant(s), the owner shall use the contaminant source information specified below in Table 811-1, as applicable:

Table 811-1: Contaminant Origin

Contaminant	Common Source in Drinking Water
<i>Perfluorochemical Contaminants</i>	
<i>Perfluorohexane sulfonic acid (PFHxS)</i>	<i>Discharge from industrial processes, wastewater treatment, residuals from firefighting foam, runoff/leachate from landfills and septic systems</i>
<i>Perfluorononanoic acid (PFNA)</i>	<i>Discharge from industrial processes, wastewater treatment, residuals from firefighting foam, runoff/leachate from landfills and septic systems</i>
<i>Perfluorooctanoic acid (PFOA)</i>	<i>Discharge from industrial processes, wastewater treatment, residuals from firefighting foam, runoff/leachate from landfills and septic systems</i>
<i>Perfluorooctane sulfonic acid (PFOS)</i>	<i>Discharge from industrial processes, wastewater treatment, residuals from firefighting foam, runoff/leachate from landfills and septic systems</i>

Amend Env-Dw 811.25(a), table 811-2, eff. 1-1-19 (doc. #12675), by inserting at the end of table 811-2 a new portion for perfluorochemical contaminants, so that Env-Dw 811.25(a) intro and table 811-2 with respect to perfluorochemical contaminants are cited and read as follows:

Env-Dw 811.25 Converting MCL Water Quality Compliance Values.

(a) The MCL, MRDL, MCLG, and MRDLG for a contaminant shall be expressed in identical units as a number equal to or greater than 1.0, as specified in table 811-2, below, subject to the notes in (b), below:

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Table 811-2: Converting MCL Water Quality Compliance Values

Contaminant	Traditional MCL in compliance units (mg/L)	To convert to a whole number, Multiply by ...	MCL in CCR units	MCLG in Whole Numbers
<i>Perfluorochemical Contaminants</i>				
<i>Perfluorooctanoic acid (PFOA)</i>	<i>0.000038</i>	<i>1,000,000</i>	<i>38 ppt</i>	<i>0</i>
<i>Perfluorooctane sulfonic acid (PFOS)</i>	<i>0.000070</i>	<i>1,000,000</i>	<i>70 ppt</i>	<i>0</i>
<i>Perfluorononanoic acid (PFNA)</i>	<i>0.000023</i>	<i>1,000,000</i>	<i>23 ppt</i>	<i>0</i>
<i>Perfluorohexane sulfonic acid (PFHxS)</i>	<i>0.000085</i>	<i>1,000,000</i>	<i>85 ppt</i>	<i>0</i>

APPENDIX A - STATUTES/REGULATIONS IMPLEMENTED

Rule Section(s)	State Statute(s) Implemented	Federal Regulation(s) Implemented
Env-Dw 701.03(d)-(f)	RSA 485:3, I; RSA 485:16-e	
Env-Dw 705.06	RSA 485:3, I; RSA 485:16-e	
Env-Dw 707.06(d)-(e)	RSA 485:3, I; RSA 485:16-e	
Env-Dw 708.01(e)	RSA 485:3, I; RSA 485:16-e	
Env-Dw 712.23 - 712.30	RSA 485:3, I; RSA 485:16-e	
Env-Dw 808.01; Env-Dw 808.27-808.30	RSA 485:43; RSA 485:16-e	
Env-Dw 811.02(d); Env-Dw 811.07(c); Env-Dw 811.22(b), Table 811-1; Env-Dw 811.25(a), Table 811-2	RSA 485:43; RSA 485:16-e	

APPENDIX B - FEDERAL DEFINITIONS

[No new definitions]

APPENDIX C: DEFINITION OF PESTICIDE

[Not applicable to this rulemaking]

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APPENDIX D: MONITORING FREQUENCY FOR SPECIFIC PFC CONTAMINANTS

Perfluorononanoic acid (PFNA); MCL = 23 ng/L

Average Monitoring Result (ng/L)	Frequency
> 17.3 to 23	Annually
> 4.6 to ≤ 17.3	Every 3 years
> Non-detect (ND) to ≤ 4.6	Every 6 years
ND	Every 9 years

Perfluorohexane sulfonic acid (PFHxS); MCL = 85 ng/L

Average Monitoring Result (ng/L)	Frequency
> 63.8 to 85	Annually
> 17.0 to ≤ 63.8	Every 3 years
> ND to ≤ 17.0	Every 6 years
ND	Every 9 years

Perfluorooctanoic acid (PFOA); MCL = 38 ng/L

Average Monitoring Result (ng/L)	Frequency
> 28.5 to 38	Annually
> 7.6 to ≤ 28.5	Every 3 years
> ND to ≤ 7.6	Every 6 years
ND	Every 9 years

Perfluorooctane sulfonic acid (PFOS); MCL = 70 ng/L

Average Monitoring Result (ng/L)	Frequency
> 52.5 to 70	Annually
> 14.0 to ≤ 52.5	Every 3 years
> ND to ≤ 14.0	Every 6 years
ND	Every 9 years

PFOA and PFOS Combined; MCL = 70 ng/L

Average Monitoring Result (ng/L)	Frequency
> 52.5 to 70	Annually
> 14.0 to ≤ 52.5	Every 3 years
> ND to ≤ 14.0	Every 6 years
ND	Every 9 years