RULEMAKING NOTICE

Notice Number	Rule Nun		ing to PFOA & PFOS
1. Agency Name & Address:	2. RSA A	uthority:	RSA 485-C:4, III
	3. Federa	Authority:	
Department of Environmental Services	4. Type o	f Action:	
29 Hazen Drive	Adoj	otion	
P.O. Box 95 Concord, NH 03302-0095	Ame	ndment	
Concord, 1411 03302-0073	Repe	al	
	Read	option	X
	Read	option w/amendment	
5. Short Title: Ambient Groundwater Quality Standards (AGQS) for Perfluorooctanoic Acid (PFOA) and Perfluorooctane Sulfonate (PFOS)			
6. (a) Summary of what the rule says and of any proposed amendments:			
levels established by EPA. The Emergency AGQS were needed to enable the Department to require responsible parties to remediate contaminated groundwater or otherwise provide safe drinking water to the properties in New Hampshire whose drinking water has been or may be affected by PFOA and/or PFOS contamination. The emergency AGQS will expire on November 27, 2016 unless readopted prior to that date. The Department is proposing to readopt the emergency rules as regular rules so that the AGQS for PFOA and PFOS will remain in place. 6. (b) Brief description of the groups affected: The proposed rules affect persons who are responsible for groundwater contamination from PFOA and/or PFOS and persons who rely on such groundwater for drinking water.			
6. (c) Specific section(s) of state statute or federal statute or regulation the rule is intended to implement:			
Rule Section(s) Env-Or 603.03(b) and (c) intro and Table 600-1 as it pertains to			satute Implemented 5-C:6, I
perfluorooctanoic acid and perfluorooctane sulfonate		-	J-C.0, 1
7. Contact person for copies and questions including requests to accommodate persons with disabilities: Name: John Regan Title: Administrator, Hazardous Waste Remediation Bureau			
Address: Dept. of Environmental Services 29 Hazen Drive; P.O. Box 95 Concord, NH 03302-0095	Phone #:	e #: (603) 271-3744	
	Fax#:		
	E-mail:	John.Regan@des.nh.	gov
The rules also can be viewed in PDF at http://des.nh.gov/organization/commissioner/legg	al/rulemakir		TDD Access: Relay NH 1- 235-2964 or dial 711 (in NH)
8. Deadline for submission of materials in writing or, if practicable for the agency, in the electronic format specified: 4:00 p.m. on Friday, August 19, 2016			
⊠Fax ⊠E-mail		Other fo	ormat (specify):

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9. Public hearings scheduled for:

Date and Time: Wednesday, August 3, 2016 at 6:00 PM

Place: Campbell High School Auditorium; 1 Highlander Court, Litchfield, NH

Directions & map available at:

http://www.bing.com/maps/default.aspx?rtp=adr.~pos.42.8252792358398_-

71.4458312988281_1+Highlander+Court%2c+Litchfield%2c+NH+03052_Campbell+

High+School

Date and Time: Wednesday, August 10, 2016 at 6:00 PM

Place: Conference Room A; NHDES Portsmouth Regional Office; Pease International

Tradeport; 222 International Drive, Suite 175; Portsmouth, NH

Directions & map available at: http://des.nh.gov/contactus/regional.htm

10. Fiscal Impact Statement (Prepared by Legislative Budget Assistant): FIS # 16:120, dated 06/27/16:

1. Comparison of the costs of the proposed rule(s) to the existing rule(s):

There is no difference in cost when comparing the proposed rules to the existing rules. Any cost or benefit is attributable to RSA 485-C:4, III and RSA 485-C:6, I and not the rules.

2. Cite the Federal mandate. Identify the impact on state funds:

No federal mandate, no impact on state funds.

- 3. Cost and benefits of the proposed rule(s):
 - A. To State general or State special funds:

None.

B. To State citizens and political subdivisions:

None.

C. To independently owned businesses:

None.

11. Statement Relative to Part I, Article 28-a of the N.H. Constitution:

RSA 485-C:6, I, requires the Department to "establish and adopt ambient groundwater quality standards for regulated contaminants which adversely affect human health or the environment." This paragraph also requires that "[w]here federal maximum contaminant level or health advisories have been promulgated under the Federal Safe Drinking Water Act or rules relevant to such act, ambient groundwater quality standards shall be equivalent to such standards" and further provides that "[w]here no federal maximum contaminant level or health advisory has been issued, the commissioner may adopt ambient groundwater quality standards on a basis which provides for an adequate margin of safety to protect human health and safety." The U.S. Environmental Protection Agency recently adopted Health Advisory levels for PFOA, PFOS, and PFOA/PFOS combined, based on its determination that the chemicals adversely affect human health. Because state statute requires the Department to adopt the Health Advisory levels as AGQS, any costs associated with the new AGQS are attributable to the statute. Because any costs are attributable to the statute, the rules do not mandate or assign any new, expanded or modified programs or responsibilities to any political subdivision in such a way as to necessitate additional local expenditures by the political subdivision, and so do not violate Part I, Article 28-a of the N.H. Constitution.