NHWPCA June 12, 2020 BOD Meeting Minutes

Attendees: David Mercier, Mike Theriault, Mike Carle, Ken Conaty, Nate Brown, Rob Robinson, Aaron Costa, Ryan Peebles, Mario LeClerc

Guests: Walter Perry, Dee Rainville, Stephanie Rochefort, Ken Kessler, Dan Driscoll, Mike Dennehy, Shelagh Connelly

The Meeting was held via GoTo Meeting and started at 10:01 a.m.

Comments on the May 8, 2020 Minutes: Dave made a motion to approve, seconded by Aaron. Vote was unanimous to accept. Mario abstained.

Cornerstone Update
Walter Perry has sold business to Dennehy & Bouley (D&B). They are an established firm in Concord that among other things do manage professional associations, one of which is ACEC. D&B are proposing to have a lump sum rather than hourly contract. Ken has a draft version which he will circulate to Board. Mike Dennehy said a few words and history on his firm. It was confirmed that our contract will continue to be hourly through end of year, but then will change.

Trade Fair Update
Mike and Mario will call vendors to drum up more interest in revised date. Mike to call pipe and drape company to get them back on board.

Winter Meeting Update
Rob has reached out to Portsmouth to confirm they are still good with December meeting. So far we are still on.
COMMITTEE REPORTS:

NEWEA State Director's Report (Steve Clifton):

No Report

Activities (Ryan Peebles):
Golf day is still on. Dee to send out flyer next week. Ski Day in March 2021 is next event.

Certification Committee (Mario LeClerc):
Exams were held and were limited to 10 people per session. It went well.

Communications (David Mercier):
Dave still has to send out letters to winning students and schools and also mass email for Dee to send to schools.

Education (Ken Conaty):
Ken said some classes are still happening. Wearing masks and respecting 6 foot separation. Will need list of classes for fall. Hooksett & UV may be rescheduled.

Legislative & Regulatory Affairs (Rob Robinson):
Shelahg spoke to latest legislative activities and proposed bills relative to PFAS/PFOA. Shelagh has drafted a letter on the Association's behalf to be submitted by Board if approved. Board regulatory subcommittee to act on today. Needs to go out before vote on Tuesday, 6/16.

Membership (Aaron Costa):
Membership up to 272 but is still down considerably. 133 from last year have not renewed.

Newsletter (Mike Theriault):
Summer newsletter is done and printed. Next deadline is August 1. Need topic for cover since fall meeting is cancelled. Decision was made to feature Trade Fair instead.

Permit (Rob Robinson):
Rob noted that Keene’s draft permit is out with TN limit of 10 mg/L. Aaron’s concern is that limit is not based on site specific conditions. Comments due July 20. Milford’s draft permit is out. Comments due June 18.

Safety (Mike Theriault):
No report.

Scholarship (Mike Carle):
Nate said they have 5 applications so far.
Ops Challenge (Mike Carle):
WBFTBC has been cancelled. NB may try to arrange for a 1-day competition.

POTY (Ken Conaty):
John has sent Dee updated application and it is on website.

OLD/OTHER BUSINESS:

- Mario has begun looking at financials. There are some old receivables we need to address. Do we withhold registration until paid or write-off?
- Draft comp policy? Dee?
- Dee asked Board to review website and provide feedback.

Motion to adjourn made by Mike T and seconded by Mike C. Meeting adjourned at 12:03 p.m.

Next meeting to be held July 10, 2020 at 10:00 AM. Location/venue TBD.
New Hampshire Water Pollution Control Association
53 Regional Dr Suite 1
Concord, NH 03301

NHWPCA Board of Director’s Meeting
Date: 6/12/2020
Location: ON LINE
Time: 11:00AM
Invited: All NHWPCA Board Members, Committee Chairs, & Cornerstone

AGENDA

➢ Current Business:
  • Cornerstone Update
  • Approval of March Board Meeting minutes
  • Trade Fair-POSTPONED September- Mike C
  • Winter Meeting-DECEMBER-PORTSMOUTH-Rob

➢ Committee & State Director Reports:
  • NEWEA State Director
  • Activities
  • Communications
  • Legislative
  • Membership
  • Newsletter
  • Permit
  • Safety
  • Scholarship
  • Education
  • Ops Challenge

Next Board meeting 7/10/2020.
THE MUNICIPAL PERSPECTIVE ON PFAS

Our Objective: As owners and/or operators of public water and wastewater systems, our primary mission is to protect public health and the environment. As such, our objective is to educate the public, legislators, and the media about how proposed PFAS regulatory standards have created fiscal and operational uncertainty and market disruptions on public drinking water and wastewater systems in New Hampshire.

Our message:

- We are committed to providing water and sewer services at a level that meets our customers’ expectations of quality and cost. We strive to protect consumers from demonstrable health risks and are understandably concerned about the unknown health risks associated with manmade PFAS contaminants.
- We operate in compliance with the Safe Drinking Water Act and Clean Water Act to assure that public health and environmental risks of regulated contaminants are effectively and efficiently reduced. PFAS compounds must be properly addressed with the scientific risk-based and data driven framework of the Safe Drinking Water Act and Clean Water Act.
- We understand the public’s concern with PFAS. However, a scientific, risk-based and data driven process that discerns what substances are to be regulated, and at what levels, requires a significant amount of time and resources. We caution against setting any precedent of by-passing these well-established processes via fast tracked state legislative or regulatory action.
- We are not the source of these contaminants and should not be held liable for studying, investigating, testing, and treating these substances. Disposal or recycling of water and wastewater residuals such as land application of biosolids as fertilizer, is a beneficial reuse of organic material, not a potential liability. Regulated waste streams should not require specialized disposal methods or technology that is not readily available, or performance tested. It is anticipated that future PFAS disposal will become very expensive to municipal systems.

What we want:

- We want to ensure municipal customers that their investments will be used wisely to address the highest priority risks to their public water and wastewater systems, including antiquated and failing infrastructure needs. Having to meet any new standards derived from insufficient scientific data will result in fewer resources available to address other critical municipal priorities and needs.
- We want NHDES to conduct a thorough cost/benefit analysis as part of the PFAS standard setting process as required by RSA 485:3 (SB 309 from 2018), including analysis of the incremental benefits to public health that will result from adopting the proposed maximum contaminant levels (MCLs). This is critical.
- We want NHDES to provide the public with comparative risk communications relative to costs and health benefits.
- We want NHDES and the legislature to refrain from establishing PFAS standards on drinking water and soils that are lower than what was proposed by NHDES in January 2019 until there is clear and correlative scientific evidence to support such lower standards. Acceptable PFAS levels cannot be modified on an annual basis.
- We want NHDES to work closely with a municipal working group in the implementation of any new standards.
- We want federal and state legislation to phase-out PFAS products from our environment in the first place.
- We want NHDES and the legislature to clearly acknowledge that the companies that produced, distributed and discharged PFAS compounds into our air, water and soil are liable as “the responsible parties”, not municipalities and other public entities, and to not place financial liability on municipalities and other public entities for testing, clean-up or treatment relative to PFAS contamination.
The intention is to send this to the full Senate before Tuesday 6/16. And the Full House before 6/30

June 12, 2020

Re: **HB 1264 - PFAS Standards, Funding and Insurance Coverage**

Honorable Lucy Weber  
Health Human Services, and Elderly Affairs Committee  
217 Old Keene Rd.  
Walpole, NH 03608  

Dear Representative Weber and Members of the Committee:

I am writing on behalf of the NH Water Pollution Control Association (NHWPCA) and our 300+ members who represent all of the wastewater treatment plants throughout the State.

Based on our careful reading of this bill, including the recent amendment tacked on in the Senate (1261s), we believe that **passage of HB 1264 will negatively impact** New Hampshire municipalities, public water and wastewater utilities and ratepayers, and ultimately all tax payers.

This HB1264 as amended, includes a **$50 million bond that will be paid for through loans** by municipal utilities to install expensive upgrades to try and meet the new proposed **very low PFAS standards** outlined in this bill. The hope is that future lawsuit settlements with the producers of PFAS chemicals will eventually allow for reimbursing municipalities someday. Though there is no guarantee, and the amount of funding in this bill is woefully inadequate based on NHDES estimates of need. More funding will undoubtedly be needed in several of the coming biennium.

The NHWPCA and its members are committed stewards of the environment. We will endeavor to comply with whatever standards are lawfully adopted for PFAS and all other compounds in drinking water and wastewater. That said, we concur with the rulemaking requirements of NHDES which state that a **cost-benefit analysis must be completed** prior to adoption of new standards. To date, NH DES has not adequately addressed the costs and benefits of the new PFAS drinking water and groundwater standards, as the NHDES was required to do by the legislature when SB 309 was adopted in 2018. Therefore it is surprising that the NH Legislature would bypass this cost-benefit analysis requirement altogether and jeopardize municipal input and due process along the way.

Thank you for considering these comments and for helping us meet our mission of protecting public health through safely managing wastewater, while maintaining rate payer affordability. We respectfully request that **this bill be tabled** until more public input can be granted, and a full cost-benefit analysis can be completed to determine the impact to tax payers and the health benefits that can be expected. Respectfully submitted,

Ken Conaty  
President, NHWPCA