



TOWN OF MERRIMACK, NH

PUBLIC WORKS DEPARTMENT

WASTEWATER TREATMENT FACILITY

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MEMORANDUM

To: Eileen Cabanel, Town Manager

Cc: Kyle Fox, Public Works Director

From: Sarita S. Croce, Assistant Director of Public Works/Wastewater

Date: July 15, 2020

Re: Saint Gobain Air Permit Appeal Status

On February 11, 2020 the New Hampshire Department of Environmental Services, Air Resources Division (NHDES) issued a Temporary Air permit (Permit No. TP-0256) to Saint-Gobain Performance Plastics (SGPP). The permit requires the installation of a Regenerative Thermal Oxidizer (RTO) to treat perfluoroalkyl substances (PFAS) emissions from SGPP operations. The Town of Merrimack Town Council submitted an appeal through our attorney on March 10, 2020. The appeal objected to the air permit because it was not protective to the public and allows for uncontrolled emissions of PFAS, hexafluoropropylene oxide dimer acid (HFPO-DA) fluoride commonly referred to as Gen-X, and hydrogen fluoride (HF).

The appeal was submitted to the Air Resources Council (AR Council) which is composed of eleven members including representatives from various industry sectors, municipal government, recreation, public interests, environmental interests, and public health. The AR Council was required to vote to process the appeal. The council approved the Town's appeal in April 2020. At that meeting the AR Council assigned a hearing officer (David Conley) and set the first scheduling conference for June 29, 2020.

The AR Council rules require that parties to an appeal try to settle the disagreement. Our attorney scheduled a meeting with both NHDES and SGPP to address the concerns on June 23, 2020. The issues of concern were not resolved during the meeting.

At the scheduling conference, Hearing Officer Conley set a hearing date of December 13, 2020. The Town is required to submit witness and exhibit lists by August 28, 2020. In addition any rebuttal on Saint Gobain's witness and exhibit lists must be submitted by September 25, 2020.

The Town is currently in the process of preparing our substantive presentations for the AR Council hearing. The NHDES attorney requested that any errors identified in the permit documents (including the engineering summary and calculations) be provided for discussion in advance of the hearing. While this cannot distract us from the AR Council appeal, there may be value in discussing whether NHDES has any willingness to join with us on any of the issues.