

**AN ACT establishing a commission to investigate and analyze the environmental and health impacts relating to releases of perfluorinated chemicals in the air, soil, and groundwater in Merrimack, Bedford and Litchfield.**

**HB737, Chapter 335:1, RSA Chapter 126-A: 79-a, Laws of 2019**

**Organizational Meeting**

**MINUTES**

**Friday, October 4, 2019, 10 AM, Room 204 LOB**

Attendees: Joseph Ayotte (USGS), Chris Bandazian (Town of Bedford), Rep. Ralph Boehm, Sen. Shannon Chandley, Amy Costello (UNH), Karen Craver (DHHS), Sen. Jeanne Dietsch, Nancy Harrington (Town of Merrimack), Mindi Messmer (environmental advocate), Rep. Nancy Murphy, Rep. Jeanine Notter, Emma Paradis (Bedford citizen activist), Rep. Rosemarie Rung, Rep. Wendy Thomas, Mike Wimsatt (NHDES, representing Assistant Commissioner Clark Freise) Absent: Rebecca Devries (Merrimack citizen activist)

Rep. Murphy, prime sponsor of HB737, welcomed the commission membership and provided a background of the PFAS contamination from Saint Gobain Performance Plastics facility in Merrimack.

Sen. Chandley nominated Sen. Jeanne Dietsch as commission chairperson. The motion was seconded by Ms. Messmer and passed by voice vote.

Sen. Chandley nominated Rosemarie Rung as clerk. The motion was seconded by Rep. Thomas and passed by voice vote.

The meeting began with Sen. Dietsch inviting Mr. Wimsatt to speak.

Mr. Wimsatt commented on the PFAS contamination from Saint Gobain and the NHDES response. He gave a history of the consent decree and noted that an area of 64 sq. miles was originally identified for testing. Bottled water was distributed to property owners of private wells that exceeded the MCL. He reported that 700 properties with 70 ppt PFOA or higher have since been connected to municipal water systems. With new lower MCLs, NHDES asked Saint Gobain for two actions: a plan to provide bottled water to those properties within the area that are under 70 ppt but above the new MCL, and to test wells for approximately 360 properties that are likely affected. However, NHDES will test and provide bottled water to additional properties outside the area defined in the original consent decree that are likely affected.

Mr. Wimsatt explained how the primary contamination from Saint Gobain is nonconventional as it originates from air disposition, but NHDES is also investigating the SG site proper for direct soil and groundwater contamination. A remediation plan for the latter may include a variety of strategies from “pump and treat” of groundwater to soil removal and or treatment. Soil testing of that site has been delayed until spring as soil contact risk is low and it is not as much of a priority as other mitigation efforts by Saint Gobain.

The passage of SB309 in 2018 gave NHDES authority to permit PFAS air emissions impacting water via disposition. It is estimated 900 lbs per year have been emitted to the air since the early 2000's. Via administrative order, NHDES requires SG to discharge less than 75 ppm, which necessitates the installation of a regenerative thermal oxidizer (RTO). A November 5 public hearing on the air permit will be held at the

Mastricola Upper Elementary School in Merrimack. Documentation pertaining to this issue is accessible on [One Stop, the NHDES data portal](#). A decision on the permit is expected by end of year and installation completed by end of year 2020.

Rep. Thomas asked Mr. Wimsatt whether the 133 property owners newly added to receive bottled water will go on municipal water. He said bottled water is considered temporary and the expectation would be to connect those properties to municipal water at some time in the future. Rep. Thomas asked a follow up question regarding potential Superfund status of the site. Mr. Wimsatt responded by explaining the difference between Superfund status and State-identified hazardous sites, the latter having identified responsible parties that can take responsibility for remediation. Also, remediation of Superfund sites is lengthy due to their litigious nature.

Rep. Murphy asked about the consent decree and if it will be revised to include considerations arising from the new MCLs. Mr. Wimsatt said he is not qualified to answer as it is a legal determination and referred her to the Attorney General.

Rep. Thomas asked about removal and cost associated with contaminated soil. Mr. Wimsatt was not able to answer definitively.

Mr. Bandazian talked about the inconsistency of water test results in Bedford, particularly among neighboring properties and that Bedford would prefer testing within concentric circles. He asked about the accessibility of test results. Mr. Wimsatt said that test results are available on One Stop.

Ms. Harrington offered to share printed information that was shared by the Merrimack Town Council to NHDES and Saint Gobain. She summarized Merrimack's concerns with recent PFAS testing on the Saint Gobain compared to earlier tests and the PFAS that is used in their manufacturing process.

Ms. Paradis shared concerns from Bedford residents including their desire to have wells retested. Mr. Wimsatt explained that NHDES is concerned about variables impacting water test results, but the testing priority at the moment is to test about 1000 properties that have not yet been tested. He reiterated the immensity of this problem. A follow-up question asked if there was standardization of testing and the possibility for additional public information sessions. Mr. Wimsatt responded affirmatively to both.

Ms. Messmer asked about the presence of other contaminants detected in site and air testing. Mr. Wimsatt said the initial round of testing in 2016 included testing for non-PFAS, which did not raise concerns. A follow-up question asked about other PFAS that appeared in test results and if remediation plans (i.e., RTO) would address them. Mr. Wimsatt indicated that it was the understanding RTO would treat other PFAS. Ms. Messmer raised doubts and requested the commission receive further explanation from air experts.

Rep. Thomas questioned the delay in soil testing. Mr. Wimsatt explained that NHDES places requirements on Saint Gobain and to enable Saint Gobain to continue to meet deadlines, NHDES, in their judgment, would prefer a delay in soil testing rather than risk the completion of other requirements on time, particularly since soil testing will not have the impact on health as much as the continuation of the water testing will. Rep. Thomas asked if testing of meat or produce was planned. Mr. Wimsatt responded that not enough protocols for such testing exists and there would be uncertainty on how the data would be used. Also, it would be more under the purview of NHDHHS and Agriculture.

Ms. Messmer asked what is the current practice around soil removal during road construction projects. Mr. Wimsatt said a standard does not exist, however soil with high PFAS could be considered a solid waste. Considering the scope of potential soil contamination, NHDES works with NHDOT to manage soil movement within project sites to protect “pristine” areas while providing a practical approach to areas with contamination so contamination is contained within those areas.

Rep. Rung asked whether a plume has been determined from the test results compiled to date. Mr. Wimsatt responded that they have a general understanding of the range of the contaminated area and that is continually developed further as additional tests are completed. Rep. Rung asked if contamination from air or groundwater can be differentiated and was told that NHDES is exploring that topic as more test results are gathered.

Rep. Murphy spoke about public concern over health in Merrimack. Although the public became aware of PFAS contamination of water in 2016, the contamination began years earlier. She said Merrimack, Litchfield and Bedford have not been afforded tools to examine the health impact PFAS contamination. She summarized the findings of a community survey of health impacts and the higher blood PFAS levels of Merrimack residents versus the US at large.

Ms. Craver summarized blood testing conducted up to December 2018 as part of PFAS exposure assessment. Presently, NHDHHS no longer sponsors blood testing but there are two laboratories that conduct it. Communication has been shared with health care providers and on NHDHHS website regarding private blood testing. A pilot health study is being conducted by ATSDR (Agency for Toxic Substances and Disease Registry) for the Pease location. Relative to community education, NHDHHS is presenting a health information session in Merrimack. Also, they are working with Dartmouth College on PFAS health impacts specific to NH. She mentioned that NHDHHS participated in a successful PFAS information fair held in Merrimack earlier this year. Ms. Craver said that it is important to work with national partners on provider education to ensure consistent information.

Rep. Boehm asked if there is proof that any disease is caused by PFAS exposure. Ms. Craver explained that multiple health outcomes from PFAS exposure have been established and referred to the ATSDR handout.

Rep. Notter inquired about contaminants present in NH water. Mr. Wimsatt explained that there is a body of evidence showing the connection between contaminants and health and how limits are calculated. He said that limits are driven by expected cancer rates and also by the technological ability to treat water to meet limits and used the regulation of arsenic in water as an example.

Ms. Messmer asked about the quality of bottled water. Mr. Wimsatt said bottled water is expected to at least meet quality standards of tap water, but regulations on bottled water do not exist in NH, although one brand tested in NH was positive for PFAS. He didn't know brand but he said Mandanock Water is the state's bottled water vendor.

Rep. Murphy asked about correlation vs. causation and requested data about any clusters of cancer in Merrimack and for data about pediatric cancers and where are they located. Ms. Craver said it would be best for her and a colleague to make a presentation to commission on this topic.

Ms. Messmer requested we look at data on special needs children along with cancer rates.

Rep. Boehm said length of residence should be part of demographic information.

Rep. Boehm spoke on behalf of Litchfield, mentioning that 20+ additional houses would be put on public water, either from Pennichuck Water Works or Manchester Water Works. He said that Litchfield doesn't have much of a problem with this situation and is working cooperatively with all involved.

Ms. Harrington spoke on behalf of Merrimack and said the town has requested that NHDES shut down Saint Gobain in light of recent test results which show a spike in one of the on site testing wells and the presence of PFOA in the sewer line. Mr. Wimsatt said NHDES is reviewing the Town of Merrimack's letter and thus he is not prepared to respond at the moment.

Rep. Thomas asked if OSHA has investigated worker PFAS exposure at Saint Gobain. Ms. Craver said that NHDHHS does not have authority for this type of investigation but refer concerns to federal OSHA.

Mr. Bandazian spoke on behalf of Bedford, reporting that the 360 properties will be subject for new sampling and 122 are identified to receive bottled water. Ms. Messmer inquired about specific location of tested wells and was told by Mr. Bandazian that Bedford has map of them.

Sen. Dietsch discussed next steps for the committee:

Gather information regarding the following: occupational health, EPA air emissions, cancer data, biotrace monitoring, CDC, AG, air permitting (NHDES), and special education (NHDOE);

Delineate extent of contamination from 3 sources;

Review the commission outcomes;

Determine how to manage correspondence, sharing documents and commission administration.

Sen. Dietsch asked membership if it would be more efficient to have subcommittees. The membership concurred. She will work with Ms. Messmer and Rep. Murphy to categorize deliverables into subcommittees. Membership will have input to what subcommittee they will be assigned.

There was consensus that future commission meetings will be scheduled on the first Friday of the month and held LOB 204. The next meeting will be Friday, November 1, 2019.

Rep. Natter noted that past bills on this subject are the following: SB380 (2016), HB463 (2017), HB485 (2017), SB309 (2018), HB1101 (2018)

Meeting adjourned at 12:12 pm.

Respectfully submitted,

Rosemarie Rung, State Representative, Hillsborough 21