

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

Meeting

MINUTES

Friday, April 16th, 2021, 8:30AM, Virtual Meeting

Attendees: Joseph Ayotte (USGS), Chris Bandazian (Town of Bedford), Rep. Ralph Boehm, Dr. Kathleen Bush (NHDHHS), Sen. Sharon Carson, Rep. Jackie Chretien, Amy Costello (UNH Institute for Health Policy and Practice), Sen. Gary Daniels, Nicole Fordey (Litchfield resident), Nancy Harrington (Town of Merrimack), Rep. Robert Healey, Hon. Mindi Messmer (environmental scientist), Rep. Maureen Mooney, Hon. Nancy Murphy (Merrimack resident), Emma Paradis (Bedford resident), Rep. Rosemarie Rung, Michael Wimsatt (NHDES), Rep. Gary Woods (NH Medical Society)

Guests: Amy Rousseau (NHDES, attended to provide technical support), Colin Pio (from Congressman Pappas' office, attended to provide updates on federal PFAS legislation in the U.S. House), Kerry Holmes (from Senator Hassan's office, attended to provide updates on federal PFAS legislation in the U.S. Senate)

The meeting was called to order at 8:30am by Chair Rep. Rosemarie Rung.

Rep. Rung read the Right to Know notice.

Ms. Fordey (clerk) called the roll for attendance. Commission members stated their location and if anyone was in their presence. Rep. Rung confirmed a quorum was present.

Sen. Daniels moved to approve the minutes from the March 12th, 2021 meeting, seconded by Sen. Carson. There were no suggested amendments or corrections to the minutes. The motion to approve passed by roll call vote with Ms. Paradis and Rep. Woods abstaining as they were not present at the March 12th meeting.

Ms. Fordey asked that if any Commission members have updates or changes to how they are referred to in the minutes that they alert the clerk, and this can be amended.

Update from Federal Delegation on PFAS-Related Legislation/Activities

Rep. Rung recognized Mr. Pio from Congressman Pappas' office to provide information to the Commission. Mr. Pio stated there are updates coming at the national level in terms of PFAS and some new legislation which is being proposed. This week in the House, the

PFAS Action Act was discussed. This is a bipartisan bill which has a number of Democratic and Republican co-sponsors, including both Congressman Pappas and Congresswoman Kuster here in New Hampshire, and this does a number of things including requiring the EPA to establish national drinking water standards for PFOA and PFOS within two years to protect public health. Additionally, it will designate PFAS chemicals as hazardous substances within one year and require the EPA to determine whether to list other PFAS chemicals within the next five years. It will designate PFAS as hazardous air pollutants within 180 days of passage, require the EPA to determine whether to list other PFAS chemicals within five years, and require the EPA to place discharge limits on individual releases of PFAS and provide funding for local municipalities and wastewater treatment facilities to handle this issue. It will create a system to require comprehensive PFAS health testing, as well as voluntary labeling for PFAS in cookware. This bill passed with bipartisan support during the last Congress, and we anticipate the same happening this year. A companion bill is being introduced in the Senate.

There is another bipartisan piece of legislation to create a national database for service members and veterans who are experiencing health problems due to possible contamination from PFAS. This will allow them to receive updates on exposure, availability of treatment options, and just a database of other information and resources available to them as they deal with the health fallout from PFAS exposure.

Next week, Congressman Pappas is reintroducing the Clean Water Standards for PFAS Act, which will require the EPA to come up with industry-wide permits and discharge permits for PFAS. It has some benchmarks on the discharges into our water. It will also allow wastewater treatment facilities to apply for grants to help pay for some of the costs to manage and enforce this program.

Those are the big highlights of what we expect to see over the next few months at the federal level. The President and the Biden administration have asked the EPA to consider a rule on limiting PFAS discharges under the Clean Water Act and to surface water or water sent to wastewater treatment facilities. The EPA is currently taking public comment and will be issuing a rule on that in the very near future. Mr. Pio asked that his contact information be included in the Commission's meeting minutes for anyone on the Commission or members of the public to send any questions or concerns as Congressman Pappas' office is happy to track down any answers or provide any additional information. Mr. Pio can be reached at Colin.Pio@mail.house.gov

Rep. Rung asked if any Commission members had questions for Mr. Pio at this time.

Sen. Daniels asked, as a result of the federal bills that were discussed, what kind of mandates are going to be placed on states that's going to cause us to spend money on something that's not going to be reimbursed by the federal government. Mr. Pio replied that he did not have that information currently but would be happy to follow up with the Senator and the rest of the Commission. Sen. Daniels commented that when there are

federal mandates placed on the state it does a job on our budget. Mr. Pio replied that he very much understood this point.

Ms. Harrington asked for clarification or information about the EPA taking public comments about PFAS going into water treatment plants. She would like to be able to notify the people at the Merrimack wastewater treatment plant how to access where public comments can be submitted. Mr. Pio replied he would share that information with the Chair, Rep. Rung, who can then share with the entire Commission.

Rep. Rung requested that the responses to Sen. Daniels and Ms. Harrington be provided in a report type of form by Mr. Pio so it can be included on the Commission's website and used as an attachment to the minutes. Mr. Pio confirmed he will provide this.

Seeing no further questions for Mr. Pio, Rep. Rung recognized Ms. Holmes, the Director of Outreach for Senator Hassan's office, to give an update on the Senate side of the federal delegation.

Ms. Holmes reported she would also provide an update from Senator Shaheen's office as that staff was not able to attend the Commission meeting today. Ms. Holmes reported that in the last couple of days both Senator Hassan and Senator Shaheen joined a number of their colleagues in writing to United States Secretary of the Treasury Janet Yellen, urging that the guidance for the American Rescue Plan's state and local funding have an avenue for that funding to be used to address PFAS contamination, since one of the uses in the language from the American Rescue Plan is water, wastewater, and broadband infrastructure. Ms. Holmes would be happy to keep the Commission updated when a response is received from the Treasury.

Senator Hassan has sponsored or co-sponsored several bills in the last couple of weeks related to PFAS. She co-sponsored the bipartisan Protecting Firefighters from Adverse Substances (PFAS) Act that directs federal agencies to develop best practices, training, and education programs to reduce, limit, and prevent exposure to PFAS, and also dropped guidance to be issued on alternative foams and personal protective equipment that do not contain PFAS. That bill has passed committee and is awaiting a full vote in the Senate. Senator Hassan also introduced the bipartisan Toxic Exposure in the American Military (TEAM) Act with Senator Tillis, that has been joined by five other senators. This bill would expand how the VA responds to, cares for, and gathers information on veterans and their dependents that are exposed to toxic materials, which can include substances like PFAS. This is important not only for veterans and their families, but also for communities around military facilities that have PFAS-related contamination.

Senator Shaheen has a couple of bills related to PFAS coming up. She is preparing to reintroduce the PFAS Testing and Treatment Act. She introduced the bill in the last Congress. It would authorize 20 billion over the next decade to help communities remediate PFAS chemicals in drinking water and groundwater. This bill would include remediation of private wells. Senator Shaheen plans to reintroduce this bill in the coming weeks.

The National Defense Authorization Act (NDAA) Process will begin in the next few months, and both Senator Hassan and Senator Shaheen in the past few years have worked to include PFAS priorities in that bill. While the bill is usually focused on the Department of Defense, PFAS provisions in the bill can often have significance outside the military. For example, Senator Shaheen last year used that bill to compel the Department of Defense (DOD) to do a market analysis into PFAS destruction technologies. That is an area of concern, so that research could help, and have wide ranging impacts. In the NDAA for 2020, Senator Hassan also included a ban on PFAS in packaging for meals ready to eat (MREs), which are meals for military members. We're also exploring ways outside of NDAA to address PFAS packaging in food and water available to consumers.

The COVID-19 relief and government funding bill that Senator Hassan helped negotiate and pass in December included nearly 300 million in funding to address PFAS, including 15 million for the CDC nationwide PFAS study.

There are also a few updates from the administrative level. President Biden's budget proposal request included an additional 75 million in funding to accelerate toxicological studies for PFAS and to designate PFAS as a hazardous substance. The administration's American Jobs Plan also has provisions for significant funding for PFAS remediation. That will move through Congress and we're looking forward to reviewing that and working in Congress in the coming weeks related to that infrastructure and jobs package.

One other thing to mention, Senator Shaheen has worked on a bill that would study PFAS in firefighter turnout gear. That study is currently being undertaken by the National Institute of Standards and Technology, it's entering the second year of that study as there were some delays due to COVID, but they're expecting results early next year. One other highlight, Senator Shaheen included language from her Physician Education for PFAS Health Impacts Act in the year-end package, that was at the end of 2020. With this language, CDC was appropriated 2 million to begin work, and the creation of grants helps strengthen physician education on PFAS. That has been an issue of concern for community members. The National Academy of Science, Engineering, and Mathematics has started a commission to look at the issue of physician education and there are several New Hampshire members that are community liaisons to that commission.

It is sort of early days yet in this Congress, and both Senator Shaheen's and Senator Hassan's offices are reviewing other bills related to PFAS, that other members are introducing, and others that we're looking at introducing as well. We'll keep everyone updated as that moves forward and additional bills are introduced. Ms. Holmes can be reached at Kerry_Holmes@hassan.senate.gov

Rep. Rung asked if the Commission members had any questions for Ms. Holmes. Seeing none, Rep. Rung noted that she is grateful to Senator Shaheen for the education initiative for physicians. Members of the Merrimack community met with Senator Shaheen last year about this and Rep. Rung encouraged her to include school nurses in the initiative. Oftentimes they're the first, the frontline, to see some of the effects from PFAS exposure

in children. School nurses' education is as important as physicians' education, particularly in more challenged communities where children don't go to a physician. The school nurse does extend a lot of those health services and may be the only one that could identify impacts, particularly in children who have been born at low birth weight or preterm that we know is a result of PFAS exposure.

Rep. Rung thanked Mr. Pio and Ms. Holmes for these updates and noted it is nice to know that we're not an island in this issue, that it is getting some attention at the national level as well.

Update on NH State PFAS-Related Legislation

Rep. Mooney was recognized to provide updates on legislation related to PFAS in the NH House and Senate as she graciously volunteered at the last Commission meeting to be our point person for legislative matters.

Rep. Mooney stated she has been happy to help keep Commission members abreast of various legislation going through this session based on subject matters relevant to the Commission because she feels that a key function of the Commission is to keep track of these bills and support them, testify on their behalf, and ultimately see to their passage. Rep. Mooney reported she has been emailing everybody with regards to when these bills are being heard and so forth and providing links to testify and assignments to support so individuals do not have to try to find this information in the House and Senate calendars on their own. There are seven bills this session that Rep. Mooney is tracking particularly for the Commission. Last week when the NH House had a three-day marathon session, four of these bills were acted upon:

1. HB 135 - requiring parties responsible for pollution of a drinking water supply to be financially responsible for certain consequences of that pollution - Representative Boehm is the prime sponsor of this bill. It was voted on a voice vote Ought to Pass with Amendment. The bill has been referred to the Senate Committee on Energy and Natural Resources. Once a hearing has been scheduled, Rep. Mooney will inform the Commission. (Rep. Boehm later clarified that the amendment was to decrease the length of time that the polluter would be required to pay water bills from 5 years to 2 years.)
2. HB 236 – increasing the statute of limitations on civil actions relative to PFAS – voice vote Ought to Pass and was referred to Senate Committee on Judiciary with no hearing scheduled yet.
3. HB 271 – relative to standards for PFAS drinking water and ambient groundwater– voice vote Ought to Pass with Amendment and referred to Senate Committee on Energy and Natural Resources.
4. HB 368 – relative to claims for medical monitoring – was tabled by the House.

The three additional bills Rep. Mooney is tracking are:

1. SB 111 – relative to claims for medical monitoring – was retained by Senate Committee on Judiciary. Sen. Carson confirmed the committee will continue working on this bill over the Summer and Fall.
2. HB 256 – adding Londonderry membership to the HB 737 Commission – voted Ought to Pass by the full Senate 23-1 and is now headed to the Governor’s desk for signature.
3. HB 478 – relative to treatment of PFAS contaminants in the drinking water of the Merrimack Village Water District – was retained in Committee by House Judiciary.

Rep. Rung reported that the amendment on HB 271, the PFAS standards bill which is essentially a nomenclature bill, added “peer-reviewed” to the language so that when other PFAS are considered for regulation it would have to be established from a peer-reviewed study that they do propose a hazard. Rep. Rung believes that was a good addition. Rep. Rung noted that Mr. Wimsatt had requested an amendment to extend the deadline for a firefighting foam take back program that was due to be established by NHDES by July 31st. There have been some obstacles in securing vendors so that is going to be added. The plan is that Rep. Smith on the House Resources Committee will be sponsoring an amendment to the Senate omnibus bill that’s going to be assigned to the Resources Committee. Rep. Rung is hopeful that HB 271 will pass and it’s sort of a cleanup to the statute so NHDES is in compliance.

Seeing no questions from the Commission members, Rep. Rung thanked Rep. Mooney for the updates and taking leadership in this area. Rep. Rung noted she appreciates the email updates as it can be difficult to navigate the House and Senate calendars.

NHDES Update from Mr. Wimsatt

Mr. Wimsatt reported that he sent Ms. Harrington a draft letter that is NHDES recommended language for any of the towns to use to reach out to the folks within the consent decree area who may have received an invitation to have their well sampled from Golder Associates, that is the consultant for SGPP, but for whatever reason haven't responded to that. As many members will remember, we've discussed the idea that the town's reaching out to those individuals to encourage them to have that sampling done might be helpful. NHDES would like to get some feedback from Ms. Harrington or other town officials on the language in that letter and if it would be effective or if there's other information that should be included or worded in another way. Once NHDES receives the feedback, we would like to share the letter with the leadership from all of the affected towns within consent decree area. In the meantime, NHDES is working with SGPP and their consultant to get what we hope will be a user-friendly spreadsheet, because the spreadsheets they submit to us are so massive, they got all the information, and list every single home. We would like to get it pared down to just the folks who have not responded and their mailing addresses, to make it easy for you all to do some kind of

mail merge to reach out to folks. So, that should be coming in the next couple of weeks as we get that nailed down.

Mr. Wimsatt acknowledged the work of Amy Rousseau who is hosting the Commission meetings, including subcommittee meetings. Subcommittee chairs looking to schedule a subcommittee meeting please reach out directly to Amy and she can help you out and pick out a date that will work for everyone.

Also, in a broader context with regard to meetings, as discussed earlier, NHDES really wants to have public meetings in each of the affected towns, you know the kinds of meetings we had in person before that were really well attended and we think we are really long overdue to rejuvenate that process and have those meetings. Under the circumstances, we're finding that hosting them as virtual meetings is actually a really a superior way to do it because it allows the maximum number of people to attend. If you've got kids at home you can still feed them and get them to bed, and then attend the meeting. And when it's over, you're already home, which is kind of nice too. We have actually already scheduled a meeting in Bedford for May 6th, and that will be advertised by both NHDES and the Town of Bedford. We have a meeting for Londonderry, on May 20th, and that will also be advertised. Mr. Wimsatt will be reaching out to leadership in Merrimack and Litchfield in the coming days to get some dates selected for meetings in those towns. We will have folks who will present on a variety of topics, including the history of this problem, specific occurrence and levels of contamination in the town that we're speaking to, and Dr. Ali our toxicologist will be there to present and answer questions or concerns about potential health effects. We think those would be full-service meetings, and we're looking forward to hosting those.

NHDES has had a lot of interactions with the town of Londonderry over the last month. Londonderry has established a PFAS Task Force which is a group of about 11 residents (including alternates) of Londonderry. It includes town leadership and is chaired by Representative Dolan, who is a member of the NH House and a town councilor. It has citizens a good representation of folks who are interested in this topic from Londonderry. On April 7th, in the evening, NHDES presented an overview for this task force, a primer 101 to go back over the whole history of this project and how it got to where they are. We talked a little bit about the specific challenges in Londonderry, which are significant. They have a large number of wells, both inside and outside the consent decree area, that are above the standard. We're very concerned about that, and they're understandably very concerned about it, and we have developed with them a framework for addressing the problems specifically in that town. We talked a little bit about the nature of those challenges there. Parts of Londonderry are served by public water, but a lot of areas clearly aren't, and that's why we have so many private wells that are impacted. As we get more and more information about the extent of the impact, recognizing that extension of public water will be a significant component of the remedy for that, and understanding what a challenge that is and what an expense that will be. We are trying to figure out through a combination of within the consent decree, where we would expect SGPP to be a significant player with respect to providing extensions of alternate water, and outside the consent decree looking at opportunities for funding and financing of a project like

that. There'll be a multi-year effort, as everybody who's worked on this knows that you don't go overnight to build construction and connection to waterlines, but that's something that is going to be an important aspect. Pennichuck East Utilities has the franchise there, and it is a question if Londonderry wants to ask Pennichuck to expand their system or whether they want to do something a little different. It's going to be very complex and important work that we're going to be doing and we are working directly with Londonderry on those issues.

Moving to the SGPP update, as you know SGPP did not meet its original deadline in the permit for installing its regenerative thermal oxidizer (RTO). That was due in February and they missed that deadline. NHDES filed suit against them for missing that deadline, and we did resolve that through a consent agreement that has been executed that will require them to get the RTO installed by July of this year, and also there are some additional things that they need to do as part of that consent agreement. Mr. Wimsatt acknowledged that there were appeals of the permit from the Town of Merrimack, and some of those actions have been withdrawn and he is not aware of the latest update on that aspect. But from the perspective at NHDES, we believe we're on track here to get this RTO installed and up and running this Summer, so we're really pleased to see that. SGPP submitted the supplemental site investigation report that includes a preliminary screening of potential remedial alternatives. That plan remains under review, and they've also submitted a work plan in January for additional stormwater sampling that would be conducted after the RTO is operational. We would expect now that that work would be conducted in the late Summer or early Fall once the RTO is up and running. Just last week, SGPP's consultants submitted the 2020 annual groundwater monitoring summary and that is under review with NHDES.

Moving on to the waterline extensions, the last phase of the consent decree water lines that were required connections is complete, with the exception of any well decommissioning or site restoration that may happen. That completes the requirements for waterline connections that were established and outlined under the consent decree, and they'll be submitting a report to us documenting how all that was done. As far as water supply well sampling, the update on that is that SGPP has submitted a work plan, which has been updated with various addenda and the latest of those, addendum #8 and as of 4/14/21, 2220 properties have been identified for sampling within the consent decree area by SGPP, 1948 of them have had access agreements sent to them, 1126 of those samples were actually collected from water supply wells, that's an additional 222 wells since last month's update, and 613 properties have been offered bottle water as a result of being determined to be above the ambient groundwater quality standards, and that's an additional 73 since last month. Addendum #8, in addition to just identifying new wells that were determined to be good candidates for sampling because of their proximity to other exceedances, it also identified about 80 wells for resampling that previously had tested between 10 and 12 parts per trillion, so ones that were just below the standard. So they've gone back and put in an additional 80 wells that they will sample as part of their work under that addendum to update that data.

Moving on to the Flatley Development, to provide an update, Flatley submitted a work plan to evaluate PFAS in soil in areas that are going to be disturbed as part of their construction, per the request letter that NHDES made back in September, and that work plan is still under review. Flatley has also submitted a soil management plan that's currently under review. The update is that NHDES has a draft letter, and we expect to respond to those two submittals in the near future, probably by next month's meeting we should have an update on that, and a response letter should have hit the streets by then.

NHDES requested an update on the timeline for sampling and permanent alternate water in a letter that was dated December. We've been expecting a response directly from SGPP on that for some time, at least since February. That's still past due and we've got a follow up call we will be scheduling to try to resolve this. We've got a number of issues that are getting a little bit longer in the tooth from SGPP and we're looking to try to address those in the coming weeks. As we make progress on those I'll be sure to update the Commission on that.

Moving on to the issue of public wells within the consent decree area, we sent a letter on April 6th requesting the work plan. One thing that concerned NHDES is that SGPP had been taking public water supply wells that were within the consent decree and setting them aside from their sampling plans and their plans to address exceedances. They are making good progress on the private wells, but, in our view, it wasn't appropriate to set aside the public water supply wells. NHDES sent a letter on April 6th. This gave SGPP a 30-day response period, so are expecting a response by May 6th. Mr. Wimsatt indicated he wanted to outline what that letter said very briefly so people understand what it means. NHDES requested a work plan within 30 days that would do a number of things. First, SGPP is asked to identify any public water supply wells located within the consent decree area, and then to provide any public water supply sampling data in a summary table. That data would likely be from others because SGPP wasn't sampling those wells. Then SGPP is asked to provide a scope of work and schedule for sampling any of the public water supply wells for which additional data seem to be necessary or indicated, and reporting data for the public water supply wells that have not been sampled, or that require confirmatory sampling. NHDES will be looking for a scope and schedule for accomplishing that. Also, we've asked them to provide, when that sampling is done or when there's already sampling data that shows that as that there's an exceedance, a scope of work and schedule for provision of both short-term and long-term water. The short-term would likely be bottled water. Then addressing the long-term water, depending on what was appropriate for a long-term solution, and then a plan and schedule for sampling any wells that were proximal to those identified public water supply wells that are above the standards. SGPP was asked to submit a plan for NHDES to look at wells that are nearby to those and providing the schedule for sampling those wells. NHDES anticipates that there will be some cases where SGPP will assert that they are not responsible for the contamination. If a public water supply well shows up contaminated, they may have identified a potential site that may have caused contamination that is not their facility or their emissions. NHDES understands that and that's a dance that we do with responsible parties in sites all across the state, as we always do, we would expect that if they're going to assert that, that they would provide a rationale for that, we would evaluate that and we

may still require site investigation work from them, to confirm or deny the assertion that they're making. That's just letting them know that we want these other water supply wells addressed and what the rules of engagement are going to be for addressing them. That's maybe a little more detail than the Commission needed. The letters are available, but Mr. Wimsatt wanted to review the situation for the Commission in a bit of detail. That's what NHDES has for an update at this time.

Rep. Rung noted that Ms. Costello joined the meeting at approx. 9:10AM while Mr. Wimsatt was providing the NHDES update.

Rep. Rung also wanted to let the Commission know that there was a response available to a question posed to Mr. Wimsatt at our last meeting about the requirement of NHDES to notify people within 500 feet of known contamination or exceedance of the limits, that is under [RSA 485-C:14-b](#). Rep. Rung had sent a message to Commissioner Scott to clarify why NHDES wasn't complying with that statute and he responded with a very comprehensive letter that will be forwarded to all the commissioners for review. NHDES now will be sending out notification letters to properties that are in proximity to known contamination. Rep. Rung asked Mr. Wimsatt if he had anything to add in explanation of the response letter.

Mr. Wimsatt explained that this is an issue that really stems from the unusual and really unprecedented nature and scope of the contamination problem in Southern New Hampshire. When we first identified this problem, it was all hands on deck. We were knocking on doors on Saturdays and Sundays and reaching out to people through mailings and home visits and all sorts of things with all the staff we could muster to try to get people notified and wells sampled as promptly as possible. In the early going of this, and particularly within the pre GMZ area, we were really in many respects, while we weren't sending letters necessarily to everybody, we were getting in contact with everyone. But as the project matured, it became clear that we really were falling down on that requirement to notify everybody within 45 days of identifying an exceedance near their well. At the time, our notification program that we had established really was not set up to handle the kind of volume and speed with which we were getting this data. We felt that that was okay because we were doing all these other things that probably exceeded the responsibility that we have under the law. But as time has marched on, we have developed much more efficient and really speedy ways to make those notifications. Now that we have that we're going to play a little catch up here, and we're going to be sending out a lot of letters next week, probably around the 23rd of April.

What the law requires is that if we identify an exceedance in groundwater, we need to look at horizontal distance of 500 feet around that exceedance and notify any property owner who owns a well within that 500-foot radius. The problem we have now is that we've notified so many people so many different ways, and there's so many of these wells close together, that trying to parse that out and figure out just who needs to be notified isn't really worth it. Because of the system we have now, we're just going to use an approach where we're basically looking at all the exceedances historically. We're going to send letters out to everybody, so there are going to be a lot of people who are already

well aware that this is a problem, that may have been notified by us one or multiple times, and also may already have been connected to a public water supply system as a result of this project. The letter we will be sending out, the first paragraph says "If you don't have a private well or you're already connected to public water you can disregard this letter..." but we're just basically using this as a way to make sure that we don't miss anybody. The total number of properties that are inside a 500-foot buffer within the consent decree area of where we have identified an exceedance is probably about 4200. But when you extend that to include multifamily and apartment buildings and such, it's really more letters than that, so it's probably going to be approaching about 6000 letters. As you can imagine, that's a big job and we're ready to do it. Next week, barring any technical difficulties, we're expecting to send all those letters out, and we expect we'll get a lot of responses from that, and we'll be as prepared as we can be to field those responses. The good news is we will be getting those notifications out. Mr. Wimsatt wanted to emphasize that this is within the consent decree area. In the area outside of the consent decree, we have been making those notifications, so this is really just catching up. What it may include is that when we're near the outer boundary, if we've got folks who actually are outside the consent decree area but they're within 500 feet of an exceedance that's inside, they'll get a notification as well. It's going to be a big effort, but I think it's an important one, and we're looking forward to getting that accomplished.

Rep. Woods asked if residents beyond the consent decree boundary are being addressed, particularly on the west side, just on the boundary between Bedford and Merrimack, where there's a fairly dense cluster not within the consent decree area.

Mr. Wimsatt responded that this brings up a good talking point. To refresh everyone's memory, basically under the consent decree there are these two lines. There's the inner line which is, if you've got a colored copy of it, is a red line and we call that the pre-GMZ. Back in 2018 when we negotiated this agreement it was pretty clear that many or most of the private wells within that inner pre-GMZ were going to be above the 70ppt standard that we were enforcing at the time. There was really a clear indication that SGPP had a responsibility to test and provide alternate water for everybody inside that red pre-GMZ area. There were a number of waterline projects and extensions that were identified within that area. Then you go to the outer boundary of the blue line, and it's almost easier to talk about what's inside the red line and what's outside the blue, and then talk about the sort of a doughnut between. Outside the blue line, under the terms of the consent decree, from outside the blue line to infinity if you will, SGPP was still asked by NHDES to do sampling and remediation if any wells were determined to be above that 70ppt standard and were attributed to their facility's emissions. However, if we lowered the standard, we would not be in a position to ask them to do that sampling or that remediation for a standard that was lower than 70ppt. Inside the doughnut if you will, between the red and the blue lines, it didn't impose any specific requirements on SGPP, but the state didn't give up any of its existing authorities. We treat that doughnut the way we would treat any site where there wasn't a consent decree. Under state law, if we believe that contamination or concerns about contamination may be associated with releases from a facility, we're empowered to ask them to do that sampling and compel them to do that sampling. If we find that there are exceedances, we can ask and compel them to, if we

believe that they are attributed to the facility, to provide alternate water and provide remediation. We retain all those authorities in the doughnut. The problem that it creates, not having known at the time we negotiated that we would end up at a standard as low as 12ppt for PFOA which is the primary contaminant there, we do have some areas outside that outer boundary that are above the standard. Londonderry is a great example where there's a lot of wells in that category that we believe are attributed to the facility's emissions based on the work that we've done in the modeling and the data. As we follow the data, we're confident that many of those exceedances are a result of SGPP's emissions. NHDES, because we have the capacity to do it, we are doing the sampling outside that outer boundary, where we believe that SGPP may have had impacts. When we have identified exceedances, we're doing notifications there. So that area, Representative Woods, that you said is to the west there outside the outer boundary, yes, we've been doing sampling in that area and doing notifications. We'll be working on identifying a few things going on there. Merrimack has a landfill that has had some localized impacts related to PFAS, so we're sorting through all of that and that's going to take some time, but we're looking at this holistically. It's not as though we're just working inside the consent decree area. We're looking to address these problems wherever they exist, whether they're inside or outside that outer boundary.

Rep. Woods thanked Mr. Wimsatt for the response. Rep. Woods stated he is concerned because this is an ongoing process, the soil will leach this and that leaching will sort of like on a sponge or a filter paper, it'll just spread out over the course of time, and expand.

Mr. Wimsatt replied that NHDES is aware of that and we've tried to be very candid with folks that we're not going to wait this problem out. The groundwater contamination with these compounds is going to exist for decades. The primary focus is to identify where people may be getting exposed to these contaminants through the drinking water pathway, primarily, and making sure that they get clean alternate safe water.

Ms. Messmer stated that there's a lot of concern in Londonderry, and we have received many reports of people in Londonderry with private wells with PFOA levels above the standard. According to what they have told us, they're not being provided bottled water, they've been denied bottled water coverage. What Mr. Wimsatt just said about the emissions from SGPP causing the exceedances, Ms. Messmer agrees with, especially with respect to the proximity of many of those homes just outside the consent decree area. She is wondering what the plan is for those people. Is the state going to be providing bottled water in the interim? They currently can't drink the water from their wells, likely due to SGPP's air emissions. Ms. Messmer asked for a follow up on that issue. She also wanted to get an update from Mr. Wimsatt on Hudson, because he mentioned in our last meeting that Hudson has been impacted. Pennichuck East has some impacts as well, so she wanted to have more of a firm update on that from Mr. Wimsatt.

Mr. Wimsatt replied that on the bottle water issue, no, the state and/or NHDES are not currently providing bottle water. That's an area of concern for us and part of our framework with Londonderry is to look at that issue and try to develop a solution for that. But today we don't have one. On the issue of Hudson, it was mentioned in a previous

meeting about the Dame-Ducharme wells, which are supply wells that Hudson owns that actually provide water into the Pennichuck East system. This system serves in Hudson and also goes on up into Litchfield and, as many people will recall, that we made a big extension of the Pennichuck East Utilities waterline system in Litchfield to address homes that were impacted by PFAS as a result of SGPP's emissions. Those wells have, at least one of them is, already a concern for PFS and we've met with Hudson and discussed that with them. They've actually recently taken that well offline. The other well, which is at risk, they're trying to figure out whether they're going to provide treatment for that well or do some kind of other remedy, so that's still in process. But we have had conversations with leadership in Hudson and they are looking at and trying to figure out where they want to go with it. So they're on that and our drinking water groundwater bureau is working with them, to the extent that, if there's contamination that would result in a concern, they'll have to make notifications, and come up with a plan for addressing that. The good news is the most important well to take offline has been taken off.

Ms. Messmer asked to go back to the situation in Londonderry, where some of those people have up to four times the current standard in their wells and they've had it for a number of years. Ms. Messmer is very concerned about the fact that they're not being provided bottled water in some way. She asked if NHDES can provide a timeline of when this will be addressed, when the state may provide bottled water to them. They are above the standard by quite a lot.

Mr. Wimsatt replied that he is not sure when that's going to be addressed. However, we're working closely with Londonderry on that, and that's going to be something that continues to be part of our discussions with them. To be clear, we've advised that if people are above the standard that they absolutely should obtain alternate water, they shouldn't be drinking the water. A lot of people are purchasing their own bottled water. But as far as a state-financed solution for that or state/town combination, we have not worked that out yet.

Ms. Murphy stated she wanted to do a follow up on some concerns that have been raised by Merrimack residents, in terms of the recent rulings and in court. People are wondering why, if there was a decision that SGPP would be fined \$50,000 a day for their failure to meet a deadline, which is being looked at here as, very often we hear that NHDES doesn't have the funds to meet the needs for staffing and all of the things that we all need NHDES to be funded for, especially given the size of this problem and the limitations that I think NHDES and we all see that the consent decree it sort of binds ourselves in. Can you help people to understand what the rationale was for not holding SGPP accountable to those fines, given that they did not do what they were supposed to do and that was the fine that was determined to be appropriate? Somehow that changed. Ms. Murphy knows that there's a lot of people who don't understand this, who say oh wait a minute what happened to the \$50,000 a day fine? It would be appreciated if Mr. Wimsatt could help people understand. The link to these meetings is posted on social media forums so there are people that will be watching and would appreciate some clarification.

Mr. Wimsatt replied that in general it really is not appropriate for him to comment on how a settlement or an enforcement action was arrived at. He noted that he wasn't specifically directly involved in that, so he doesn't have any specific personal knowledge about how that was negotiated. But even if he did, it wouldn't be appropriate for him to be commenting on whenever the state is entering into a consent agreement, which is what happened with the state here. He stated that as a general rule, NHDES' primary focus is always about obtaining compliance, and of course the most important issue for compliance in that consent agreement was getting the RTO online. NHDES achieved what Mr. Wimsatt believes is a good date for doing that, so that to him is a success. He really couldn't comment on how, for example, an appropriate level of fine might have been determined, it's just not appropriate for him to discuss.

Rep. Rung noted that one of the things that is a consistent frustration of hers is that people who had no responsibility, it was totally out of their control about the quality of their drinking water, have it contaminated, and they're forced for their health to purchase bottled water or rely on delivery of bottled water. In Merrimack we have at least one resident who comes very close to running out of water. Rep. Rung asked if Mr. Wimsatt could provide an update on compelling SGPP to sponsor auto-delivery of water. It may seem a minor point, but for so many people the anxiety of first having the water out of their tap contaminated, and then the stress of having to rely on someone else to provide them water, which is so critical for everyday life, is very great. Auto-delivery just seems to be a way that it could help compensate them for stress of a problem that was in no way their responsibility. Further, Rep. Rung stated she is troubled that we do have people that are having to purchase their own bottled water for the same reason, that they're outside this area. Rep. Rung asked if there is any remedy where they don't have to take on that personal cost of providing their own water because their own water has been contaminated by somebody else.

Mr. Wimsatt responded, first in reference to the first part of Rep. Rung's question, he did see an email regarding that one resident who seems to have a lot of frustration and that's troubling to him. He did check in with NHDES staff and other than that one, recently we have not been hearing any complaints from folks about that. So what was sent to him this week was kind of isolated. His understanding is that the person had in their own communication about this stated that they forgot to reach out in an email, and they were frustrated because they never know how to time those email requests for water and he understands that NHDES has had some conversations with Monadnock, which is the water contractor that is working for SGPP providing bottled water. For reasons Mr. Wimsatt doesn't entirely understand, Monadnock is really reluctant to go on automatic delivery. He thinks it relates to what ends up happening is they make runs for delivery and frequently they're giving people water that don't need it, or it doesn't seem to work that well for them. It's been a challenge for them. They were our bottled water contractor when this whole thing started. NHDES had to have a pretty intense meeting with them, because the first day they said we can't do this. We said well you have a contract, you need to do it, and they, to their credit, they stepped up. They hired new employees, they got more trucks, and they stepped up their capability for doing this. But as this has expanded, it continues to challenge them. So we will be reaching out, again, have a

conversation with them about this to try to understand where they are coming from. Mr. Wimsatt stated he agreed with Rep. Rung that automatic delivery could solve a lot of problems, however Monadnock is really reluctant to do that, and we have to continue to discuss it. NHDES will see if we can make improvements as we go, but overall, while we had a number of complaints earlier on, we're not hearing that right now. As far as the second question, again, we are looking at that whole issue of the ability to provide alternate water to folks who are outside the consent decree. Obviously, we're not in a position to compel SGPP to require that. The biggest area where we have this problem, although it's not the only one, is Londonderry, and we are engaging on that specific issue with the Town of Londonderry to figure out what that would look like.

Rep. Rung responded that hopefully, through HB135, Rep. Boehm's bill, will help address some of that. It's just very frustrating, and we hear from a few constituents with complaints, but she looks at it that there's probably many more who don't know how to complain, or just don't take the initiative to complain so she always looks at constituent complaints as being more widespread than just that specific person who does make the complaint. Rep. Rung stated she would like the Commission at a future meeting, in probably the next month or the month after, when we look at what legislative recommendations we want to make for the next year, to look at things like that and maybe to address some of the issues that NHDES has with current statute. Our number one responsibility is to the people that live in New Hampshire and she wants to make sure that they are not burdened by something that wasn't within their control, especially when it comes to such a basic need as water.

Ms. Paradis wanted to go on record with some of the constituent concerns she has heard in Bedford. People are just getting their results back and knowing about the 500 feet. They want to receive water delivery. She feels like Bedford is now at Ground Zero where Merrimack was, and the 61 homes were, five years ago at this point. We're in a state of confusion. She has been hosting zoom conversations, stating she is not an expert but just collecting information, and Bedford residents have shared that they're confused. They're not on water delivery. One of the largest concerns she has heard is that we're trading one environmental issue for another and talking about the disposal now of all this plastic. There is no solution for the Town of Bedford, and it just seems to be a growing problem in our community. She speaks for the people that she has heard from, that we're not getting access to water that a lot of people need and want, partially because they don't know about it. May 6th [the date of the NHDES presentation for the Town of Bedford] can't come fast enough for us. Ms. Paradis will be there. She wanted to make those concerns clear, especially with the new sites with the 500-foot rule. The townspeople here are going to get a whole other set of concerns that are going to be coming up immediately, and there will probably be a large portion of the town that deserves water delivery that is not on it yet.

Mr. Wimsatt thanked Ms. Paradis for sharing these concerns. He wanted to make it clear that the 500-foot notification requirement is just a notification requirement. If you get a letter that says you're within 500 feet of a detection of an exceedance that doesn't mean that you're automatically eligible for bottled water. What it will mean is that if you want

to have your well sampled, it's going to give very specific instructions on how you can reach out to SGPP and their consultant to ask to be sampled, if you haven't been already. Then if you are sampled and you're above the standard, then you would be eligible for bottled water.

Ms. Paradis responded that she recognizes that. She stated that her new house is less than 500 feet from somebody that has come in in the three digits, and less than 500 feet from another home with a slightly higher elevation that has tested in the high 90s. They've both been on bottled water now well over two years as up to Green Meadow Lane is where we stopped municipal water. There is also the concern where she lives of what happened with all that groundwater that we've just capped at the top of the hill, and we have not been retested. She stated she tests her own water because she doesn't trust the system, given what she has seen and experienced in the process. There are genuine concerns because the people across the street have been on water delivery now for over three years and there's no water solution. She understands the water travels, as she has learned a lot in this process, and can guarantee there will be a lot more questions and a lot more concerns.

Mr. Wimsatt declined to provide any further response.

Ms. Murphy stated that, in Merrimack, what we've heard is, in summary, a hope that seeing what the results are in the impact on the citizens from consent decrees, whether engaging either by DES or by MVD, the impact is felt by citizens. The hope would be that looking at the fallout from where we are, trying to deal with the impact of those consent decrees, what's done is done, but in the future, and we're seeing impacts to other towns, that we'd be more cautious and thoughtful about what we don't know. This would be so this snowballing doesn't get so exponentially bigger that we can't afford, where we can't find the resources to try to fix it. Because, at least at this point, polluters are not being held completely responsible and thus citizens are really paying the price. That is the ask for anybody that has the ability to engage in these consent decrees, that really the focus be on, yes we want to have compliance, yes we want polluters to engage and to do what they're supposed to do, but go bigger than that. We need to protect the citizens and the residents and not place the burden from polluters on the citizens. That's what we're seeing now, and a lot of the discussion we've had today just shows it – for example, that particular areas not inside the consent decree are not eligible for remediation even though it's likely related to a particular polluter. That's really, for citizens here, being thoughtful, not just thinking about we're trying to engage a polluter in complying, it's bigger than that, and thinking long term. Ms. Murphy wanted to mention that because that was an overarching sentiment.

Sen. Carson reported that she has heard from constituents in Londonderry who have had difficulty getting water. What has been reported to her is that a resident will get a phone call from Monadnock asking if they want a water delivery. If the resident doesn't get that phone call, if they don't pick it up, it is virtually impossible to get back in touch with Monadnock to schedule a delivery. Monadnock does leave a message with a phone number to call, but Sen. Carson has had three constituents tell her that when the number

is called it just says, “this person is not available, call back later.” Sen. Carson acknowledged that we all lead very busy lives, and her constituents are complaining that they don't have time to sit there constantly on the phone. There has to be a better way to reach these folks at Monadnock. There's a lot of frustration, people are going out and buying their own water because they just can't get in touch to schedule a delivery. Sen. Carson wanted to bring this to Mr. Wimsatt's attention in hopes there is something Monadnock can do to address what is happening.

Mr. Wimsatt thanked Sen. Carson, stating that it is really helpful to understand and hear what residents are reporting. He reiterated that NHDES is going to be reaching out to Monadnock again and will raise this concern. Mr. Wimsatt acknowledged there is a difficulty because if we had a host of contractors out there that could do this and maybe do it better, we'd go after that. NHDES would tell SGPP to get another contractor and do it with them. However, what we're finding is that bottled water delivery availability is really somewhat limited. Also, they were accustomed to a person here on one street a person there on another street and they really didn't have that many home delivery customers. Now it's just blossomed so much. He's not intending to make excuses for them, and from what he is hearing it doesn't sound like they're managing very well, and that there are areas that should be improved upon soon.

Mr. Wimsatt questioned if it would be better to have a voucher system wherein SGPP would send a check for people to purchase their own bottled water. It isn't clear if people would appreciate that or prefer home delivery. He stated that for his own water quality purposes, he has purchased bottled water for the last two years at his home, as he was delayed in getting a treatment system online for a variety of reasons. He stated it's not much fun going to the grocery store and having to include with your weekly groceries, a dozen bottles of water or more. He's not sure that would be a solution that people would really appreciate it. If the choice is between having water delivered to your home and having to get it from the store yourself, delivery appears to be a better option. NHDES has been working with Monadnock for the past five years to encourage a high level of service. NHDES can use what has been reported during this Commission meeting as part of their discussions with Monadnock to try to improve on the provision of bottled water for residents affected by PFAS contamination.

Rep. Rung reported bottled water is not the only solution, we really need to give some consideration to having in-house water treatment available to these folks because their exposure to water isn't just for drinking water. We do understand more about the health implications from drinking PFAS-contaminated water, but these people are exposed to water from their showers and baths as well. When you look at the waste of bottled water, you have to look at solutions beyond bottled water, into requiring in-home treatment systems for people who have been impacted by SGPP-contaminated water. Maybe in a future Commission meeting we can have a discussion on this, and if it needs a legislative remedy, it will take a legislative remedy. It's absolutely absurd for people to be on bottled water for two years. We need to consider in-home systems, and maybe some type of a trust fund to cover the ongoing maintenance of those kinds of systems.

Rep. Boehm reported that his bill HB135 allows for bottled water provision for a maximum of six months while the affected resident waits for connection to a commercial water supply. After six months, if the connection is not made, then the bill calls for the polluter to pay for an in-house filtering system. Rep. Boehm stated it would be helpful to hear from NHDES what solutions for in-house filtering exist.

Mr. Wimsatt thanked Rep. Boehm for the question and stated that the answer is more complicated than NHDES would like. One of the issues is that as this project has progressed, we've looked at the primary risk pathway that we should be concerned about and this is actual consumption of drinking water. By providing bottled water risk is mitigated. NHDES does not think, and has never believed that, bottled water is a permanent solution. It's to give somebody an immediate source of clean water while we're working on the permanent solution. We have had a lot of discussion and there are certain examples, where it is just absolutely impractical to think that they could be connected to a public water system, and an in-home treatment system becomes a solution. If you look at just drinking water, you can get a point of use system which mounts under the kitchen sink. Most of your cooking and drinking water, if you get it from that sink, could be treated by like a reverse osmosis unit under the sink. This can be installed by a contractor for \$1,000. Like many things, it has complications, it requires them to drill through your counter to put a separate dispenser for the water. Some people don't like the way filtered water tastes, because it doesn't just take PFAS out, it takes pretty much everything out of the water. If you have other contaminants, it's pretty effective for a host of contaminants, but like in Mr. Wimsatt's personal case, he has levels of arsenic that wouldn't necessarily be appropriately treated by a point of use unit. It can happen that you give somebody a unit, then you spend some money and you put the system in, and you said great, we removed your PFAS but then you got to tell them we didn't really solve your other problems. Plus, they have, for example, kids are brushing their teeth up in the bathroom, and everything else. There are still these consumption issues that a point of use unit doesn't really solve, and it has a lot of concerns associated with it. It can be a great answer for a lot of things, but it's not perfect, and this is the problem we run into is that no solution we come up with is perfect. We do know that in the interim, if you use bottled water in your kitchen at your sink and your bathroom sink, as long as that bottled water is clean, you're getting safe, clean drinking water. That's why we've seen bottled water as perhaps a superior solution to a point of use unit under the sink.

Mr. Wimsatt continued to explain that if you go to a whole house filter, it gets even a little more complicated. There are absolutely carbon systems that can effectively remove PFAS. But then you look at the other water quality problems that many people have in New Hampshire, naturally occurring contaminants like arsenic and radon that can pose, because of their concentrations, more significant health risks than the PFAS that we're aware of, based on what we understand. If you are going to put a whole house treatment system in, you want to be able to treat with carbon for PFAS. You also have to look at can that PFAS carbon system handle the other contaminants, and the answer often is no. Not only that, but if you have high iron or manganese, which we see frequently in many waters in New Hampshire, that can follow the carbon. Now you've got to pretreat the whole house water for iron and manganese before you send it through a carbon unit. If

you also have a radon or arsenic, you may have other treatment components that you need to put in there. The problem we get into is that if you're a responsible party, and treatment for PFAS needs to happen, that party will say well my responsibility was to remove the PFAS and I can do that. However, it's not my responsibility to remove all the other geochemical problems associated with your water, whether it be iron or manganese or arsenic or radon. Then you get into a complicated discussion about who pays for what, how much needs to be paid by the responsible party and how much would be the responsibility of the homeowner. It's really a very difficult situation. We've had lots of discussions and we've talked about this and worked on this at NHDES over the course of this project. If there were easy answers, we would have been looking to implement them a long time ago. But they're not easy, and at the end of the day, what we really want to do is make sure that everybody has clean, safe drinking water. As frustrating as it may be to wait two years on bottled water, if the end game is a public water system that's a regulated public water system and has a responsibility to provide water to the home that meets all the standards, that's what we have said is the gold standard for providing alternate water and that's what we've been working towards. It's not very satisfying for someone who continues to have to drink bottled water, but we're working as hard as we can every day to get to that point where everybody in this impacted area gets access to clean, safe drinking water on a permanent basis.

Ms. Messmer stated that at least the responsible party would be responsible for that point of entry system that would take care of the PFAS, and the people with arsenic and natural contaminants, that's something they would have to cover themselves. At least they would get a good portion of that very expensive module paid for by the polluter themselves. Ms. Messmer believes that's an important part of Rep. Boehm's bill, HB135.

Ms. Messmer said she has a few questions for NHDES and Mr. Wimsatt. She stated that since the March 30th letter came out in the report on NHPR, she had a lot of people reach out. A visualization tool was created from the biweekly reports that SGPP provides the state on who is receiving bottled water, who's been offered bottled water, etc. There were so many responses to that visualization tool that a reporting tool was created so that people could provide more information about their concerns. There are a lot of concerns from people all over that area talking about the fact that they had not been provided bottled water or they hadn't been offered it. The table that SGPP provides had a lot of people that were identified as should be provided bottled water since about December 2020, maybe even before, but the ones she saw started then. So, December, January, February, March, and April have passed, and they're indicated as not started on bottled water yet. She wanted to know how long it takes generally to start bottled water. It takes so long for people to get their well sampled and get the results and get notified that they're above the standards. They've been drinking the water for as long as they've probably lived there. What is going on with that timeframe, once they have found out that they've got PFAS above the standards, why is it taking four to five months for them to get on bottled water?

Ms. Messmer stated that there's also some people on those tables that were indicated that they were removed from the list. She didn't understand why they were removed. She asked if Mr. Wimsatt could comment on both of those issues.

Ms. Messmer continued, stating she had been notified that work plans that have been submitted in the interim by SGPP do not respond to this 500-foot requirement and she wanted to make sure that all work plans implement the 500-foot notification requirement within the consent decree area.

Mr. Wimsatt responded that he will take the last question first. The notification requirement is a NHDES requirement, so that is going to be implemented on an ongoing basis, once we get this caught up next week, those notifications will continue to go out. There's been a little bit of confusion. SGPP had been using a 60-foot radius around exceedances that they identified to look at the universe for their next addenda of samples that they want to take, and we've actually talked to them about that. The short answer is they seem to be amenable to looking to extending that to a 500-foot radius for identifying sampling. As it turns out, although they sound a lot different, they're not that different, because of lot sizes and other issues. In many cases when they use 60 feet to go out to the next adjoining lot, it ends up being the equivalent of a 500-foot radius. Nonetheless, they seem to be amenable to doing this for consistency's sake. Keep in mind, their identifying another well to offer sampling to is not the same thing as that notification requirement, NHDES will be ensuring that that notification requirement has met their radius and what they're using in their workflow and it's just about how they're going to identify people to offer sampling to as they go into the next phase of work.

Mr. Wimsatt stated he appreciated Ms. Messmer sending an email ahead of time because that makes it a lot easier for him to be responsive to her questions. He will move on to the other two issues with pending questions. On the issue of Table B, what he thinks Ms. Messmer is referring to, Golder Associates (SGPP's consultant) sends out a summary of the status of provision of bottled water with their reports that they send to NHDES. On those tables, Ms. Messmer is correct that there are places where for certain homes this has not started. What that means is that they've reached out to the homeowner and let them know they're eligible for bottled water, but that homeowner has not contacted Monadnock to start bottled water service. That may be for any number of reasons that NHDES is not necessarily privy to. It doesn't mean they're not eligible anymore. It just means that they've been contacted and haven't reached out to Monadnock to begin that service. That's just a logistics reporting term that they're using. It's not an indication that they're saying we're not going to start it; it just means it has not started yet because the homeowner hasn't requested service.

Mr. Wimsatt moved to the second question from Ms. Messmer. This was about the bimonthly status report that Golder Associates submits. Basically, this report has massive tables with a number of columns and one of the columns is properties removed from the program. In Table C in one of those attachments, they have identified locations removed from sampling. In the last addendum they submitted, there were about 73 properties that were in the category where they had returned signed access agreements and 146 properties that didn't return signed access agreements. These properties were removed from sampling for one or more of the following reasons, including: there's no actual potable water supply at the property, it's just an undeveloped property because they're

being very inclusive here, the property is developed but not currently occupied, the property is connected to public water because we made a lot of connections to public water, or the property owner declined to participate. Then also there's some tax parcel issues where the same parcel was identified with two different tax headings and tax lot numbers. That's not a situation where they've made a decision not to provide service there, it just means they were removed from the program because there was a reason that it didn't need to be serviced.

Rep. Rung asked if during the public meetings NHDES has scheduled there will be a public participation section where people could ask questions of NHDES. Mr. Wimsatt replied that there would definitely be time for public participation. That's really the purpose to have those meetings. It's important to educate people and update them and we'll do that, as a rule of thumb we try not to go more than 45 minutes to an hour with a program so that people don't get bored and tired of listening. We at least give the information that we think is important for the public to have. Then the rest of the meeting is dedicated to questions and answers.

Sen. Daniels left the meeting at approximately 10AM for a Senate Finance Committee meeting.

NHDHHS Update from Dr. Bush

NHDPHS PFAS-Related Updates

Dr. Bush stated she would like to start by building on this idea of the community meetings with the update that NHDHHS has finally finalized a Q&A document that goes back to December 2020, when the APPLETREE program held a community meeting in Merrimack. It is a four or five-page document that collates responses from both the NHDES and NHDPHS as well as our partners at ATSDR. Dr. Bush will send this document to Representative Rung and the clerk, to be included as part of the notes, and then could be circulated. That would be a great foundation for some of these community meetings, then, since we know these are questions coming up. Some are specific to APPLETREE and the work we're doing, but some are just broad about PFAS, water contamination, and water testing and all of that. As a commission then, maybe we can think of that as a living, evolving document. After each of these community meetings we can review what's coming in through these community conversations, and make sure that we're incorporating that into some kind of public facing FAQ document. So, the major update is that that document has now been cleared. It will be sent out to all the participants of that community meeting next week, and it will also likely be posted on the NHDES website or perhaps the PFAS blog. Dr. Bush will also make sure that each of the Commission members, through the Chair, receive a copy. It will just stand as a good example of how to be capturing community concerns and documenting responses as this is evolving and as we're all learning more, we can make sure we're creating ways to get that information out to people.

The next update is related to APPLETREE and ATSDR, just that when we were on our most recent meeting with our federal partners, they stated that they are continuing to work on those specific risk assessments for public and private drinking water. They are still moving through review, but it will tie nicely to community meetings when those are finally available for our public release. The next couple of announcements or updates are about some upcoming events that the Commission and other partners might be interested in.

An update from the cancer program here at DPHHS - many of you likely recall that \$500,000 was appropriated to the cancer program, from the Governor's direction and then through the water trust fund. While slightly tangential to the core work of this Commission, some of the work those funds are being used for is funding for a conference on childhood cancer and potential links to environmental exposures. Dr. Bush has provided a save the date message (copied below) for the conference which is on June 10th. There's a number of really great speakers that will be presenting, both regionally from places like Dartmouth, but also some national representatives also. From an environmental health perspective broadly, this will be a great convening of some scientific experts specific to childhood cancer. It's open to anyone but the audience is really targeted for researchers, healthcare providers, public health professionals, community members, those working as cancer registrars (the people entering and capturing the data), and really anyone else interested in learning about childhood cancer. Because this commission is interested broadly in environmental health, Dr. Bush wanted to bring this to our attention. See the Save The Date below:

Subject: Save the Date! NH Childhood Cancer Conference – June 10, 2021

Please Save the Date for the New Hampshire Childhood Cancer Conference, June 10, 2021, 8:45 AM - 5:00 PM

The New Hampshire Childhood Cancer Conference is virtual, free, and open to researchers, health care providers, public health staff, community members, cancer registrars, and anyone interested in learning more about childhood cancer.

Scheduled Speakers Include:

Caitlin Reilly Smith, MPH – Mother of Pediatric Cancer Survivor

Logan G. Spector, PhD – University of Minnesota – “The Causes of Childhood Cancer in Brief”

Philip Lupo, PhD, MPH – Baylor College of Medicine – “Disentangling the Epidemiology of Rhabdomyosarcoma”

Judy Rees, BM, BCh, MPH, PhD – NH State Cancer Registry - “Childhood Cancer Initiatives in New Hampshire”

Taylor McDonald – Pediatric Cancer Survivor, BU Class of 2021

Alan Woolf, MD, MPH, FAAP, FACMT, FAACT – Harvard School of Medicine – “The Environment, New Hampshire Kids, & Cancer Prevention: Challenges & Opportunities”

Kira Bona, MD, MPH – Harvard School of Medicine – “Poverty and Childhood Cancer Outcomes: A Target for Novel Intervention”

Lee Helman, MD - Osteosarcoma Institute – “Rhabdomyosarcoma-A Model for Future Therapeutic Approaches to Treat Pediatric Cancer”

Continuing education credits will be available for physicians (CME), nurses (CNE), and cancer registrars (CE). Please mark your calendars and stay tuned – our registration website will be open soon!

Another event coming up is the NHDES Drinking Water Source Protection Conference on May 19th and 20th. On the 20th at 9am, the Biomonitoring Program will be giving a presentation on their TrACE study. Many people are interested in an update on that study and seeing some of the summary results. The final draft is now in review here with leadership. Once it's finalized, it will be sent to all study participants, and then a series of public presentations will be planned, and we can certainly plan to invite them to this Commission specifically. The SB85 Commission will also be interested, but if you wanted to plan on attending a formal presentation of that work, they will be presenting at the NHDES conference on May 20th. More information and a link to register can be found here:

<https://agwt.org/civicrm/event/info%3Fid%3D305%26reset%3D1>

The last update is regarding the request to hold the MVD community exposure assessment samples. Dr. Christine Bean, the director of the New Hampshire Public Health Laboratory, replied to Representative Rung very recently. Dr. Bush provided a brief summary of that response to the Commission. At this point, we plan to move ahead with sending a re-consent letter to all 217 participants. For the participants who re-consent, we will prepare to store the samples for five years from the date of the Commission's most recent letter, which was sent in February 2021. This means we will hold them until February 2026. For participants who do not re-consent or who do not reply to that letter, the samples will be destroyed per the original consent, and that's our legal obligation under the original consent. Dr. Bush was really excited that we could connect with Dr. Bean and get this response out before today's meeting. It's something that folks have been really interested in and fortunately we've been able to appropriate some resources, really leveraging our federal funds from the Biomonitoring Program and the tracking program, to put some resources towards making this happen.

Rep. Rung thanked Dr. Bush for the updates and noted that she will distribute the mentioned documents to Commission members.

Ms. Harrington asked if it is possible to get a list of participants and their contact information so town officials could encourage responding to the letter and signing the re consent.

Dr. Bush explained that it's not legal to share any of the contact information, but that wouldn't preclude the town officials from just broadcasting support broadly, which she thinks is a good idea. So, we could work on some messaging together or maybe we could take pieces from the letter. That's really been the major resource constraint as it falls on DHHS to go through the contacts and work on the letters and we're facing similar challenges with the Pease PFAS study where it again falls to the health department to work on re consenting those participants because we're the only ones with legal access to their contact information. However, a broad notification or a reminder or kind of "keep your eye out" kind of notice could be helpful.

Ms. Harrington responded that the town officials could discuss the re consent letters during town council meetings and utilize other methods to demonstrate support without having access to the participants' addresses.

Dr. Bush reported that she will make sure to update the Commission on the timing of the re consent process and that as of now, the department expects to start the process within the next few weeks.

Rep. Mooney noted that she is pleased that the date will run starting from the date of the letter, as that was a big sticking point with her, and she believes it will be beneficial for all involved that the samples are to be preserved for 5 years following the date of the letter from the Commission.

Rep. Woods asked if protocols and a response time window have been set yet and if the re consent process will utilize single or dual notification.

Dr. Bush responded that the re consent letter specifies that it will be one round of sending the re consent letter and we gave them a 30-day window at this point. So again, just with the allocation of our resources, we sort of have these resources available right now. We'd like to really motivate people and do this as quickly as possible. It also aligns with our timing for the Pease PFAS health study. From a logistics perspective, in terms of going into our freezers and going into the samples, all of these PFAS samples are all stored together. We're really trying to expedite it so that we're going in there and sorting through those samples once and doing that efficiently and effectively with the resources we have available right now.

Ms. Messmer asked if the Pease samples will be retained in the same way.

Dr. Bush replied that ATSDR is running that study and there's another study, the PFAS reach study, so we have already done one round of reconsenting of those participants to participate in those two nationally funded studies. A similar process is ongoing with the Pease samples.

There were multiple requests for the letter from Dr. Bean detailing the consent process and storage protocols for the samples to be distributed. Rep. Rung reported that all Commission members will be emailed a copy following this meeting.

Subcommittee Reports

Environmental – Mr. Bandazian reported that the Environmental Subcommittee met on March 30th and Don Provencher, who is the chairman of the MVD commissioners, was present to offer some input. One of the things that was discussed was concern about the public water supply and PFAS levels. As Mr. Provencher presented to the full Commission in December, wells four and five are now in treatment. There's no clear line of demarcation other than in general topography for these different wells that source the land. Those wells are coming in as non-detect for PFAS. However, there is a maintenance concern and operational concerns going forward, as to the expense rate payers are willing to bear.

Well three is offline, but well two is running with a level of 12ppt for PFAS. Then wells seven and eight, which are scheduled to go on treatment, if that project is completed, which they are planning. So, there are thousands of Merrimack consumers, drinking water that exceeds our standards, there's no alternate water provided to them. We were pleased to see a letter from NHDES go out to SGPP last week, but with treatment coming online in the fall, SGPP might be going to run out the shot clock on this one.

In addition to that, we discussed the concern about having an aggregate PFAS standard. We only have a standard in New Hampshire for four types of PFAS and test for each one at a time. Contaminators are able to get around these standards by using other PFAS or PFAS-like compounds as well as keeping the four regulated PFAS just under the standards, so perhaps an aggregate standard is needed. It would certainly provide some alternative legal basis for relief for MVD going forward.

We also discussed, turning to private wells, it is a very slow progression right now with testing private wells within a 60-foot proximity of a known exceedance. It's really hindering public water supply extensions. Private homeowners should do their own testing, and find if they have exceedances, go out on their own to solve those problems. Questions remain and information is very slow to get to the Environmental Subcommittee at this point. Mr. Bandazian maintained it is unclear who information should get reported to, what is available to them for resources, and what their best actions are to take if what happens is egregious if they do nothing. We discussed the status of surface water standards. In a future meeting the subcommittee will discuss a little bit further on this as

well as the impact of development potentially on contamination, including groundwater recharge and surface stormwater dilutions.

Health – Ms. Messmer reported that the Health Subcommittee, with help from Amy Rousseau from NHDES, was able to meet on March 29th. We discussed some of the issues around the air permitting process that the Merrimack Town Council has been involved with. Ms. Messmer stated she was wondering if Ms. Harrington could provide an update on that. The subcommittee also asked for an update on the cancer report from 2018 that DHHS completed. We now have an additional five years, or should have, of cancer data that had ended in 2014. Now it's well past 2019 so we should be able to get an update on those cancer levels for the next five-year timeframe. There is an upcoming presentation at the University of Illinois on emerging contaminants. The topic is cancer rates in Merrimack, which show elevated rates of thyroid, bladder, and esophageal, cancer and mesothelioma above the national averages. That presentation is on April 28th. The presentation will happen virtually.

As a subcommittee we are also tracking another subcommittee that most of us on this subcommittee are a part of, the SB 85 Commission, developing a toxicant database, which is relevant to the subject matter of this commission. We're doing a New Hampshire-specific toxicant database and will share with this commission as it progresses. We were also discussing that California has listed high priorities for an additional PFAS contaminant PFBA review and proposition 65. They also listed PFHxS and PFNA as high priority review. We do have standards for those, but we might want to see what sort of peer-reviewed data comes out of that review that may be relevant to New Hampshire standards, whether they're proactive enough and PFUnDA is a medium priority review. So, we'll be tracking other states and their movements on some of these regulations.

As Mr. Bandazian said, other states like Massachusetts and Vermont have 20 ppt standards for a sum total of four, five, or six can have these PFAS chemicals and we'll be tracking that as well. The other thing that we discussed was that there's a Toxic Substances Control Act (TSCA) review request for DIDP and DINP, which are plasticizers that are used to soften plastic. According to Dr. Bean, there's no testing of the emissions for these two plasticizers from SGPP. That's a concern of ours, we'd like to know if those plasticizers are being emitted by the plant, or if they are in the groundwater that contaminates the area around the plant. The SB 85 data subcommittee is going to be tracking federal monies that are allocated to the state of New Hampshire that some of our federal representatives' staffers spoke of at the top of this meeting. We are developing proposals for how to use that money in the state of New Hampshire. If there are topics relevant to this commission, we'd be happy to include those in that proposal, so Ms. Messmer is open to any suggestions from other people.

Rep. Rung asked if it would be possible when looking at federal grant money to look for funding to expand the birth registry data that has the potential to capture impacts of PFAS prenatally and neonatally.

Dr. Bush responded that she did receive Rep. Rung's email about expanding the birth registry data collection and analysis but was unable to formulate a response prior to today's meeting, a response is forthcoming.

Rep. Rung responded she would like to keep the need for birth registry data on the Commission's radar, and if it requires a legislative remedy then the Commission should keep that in mind when making recommendations.

Communications – Ms. Murphy thanks Ms. Rousseau for her help with scheduling our subcommittees she's been awesome. Many people are trying to utilize her help, so we really are grateful. The Communications Subcommittee will meet on April 21st at 10:30am. There is agreement that we need to do these public meetings, that there is a need to do them again. We have decided that, in hearing from the community, we want to see a meeting format that included some section of time being reserved for public participation, more than a one minute or two-minute question and answer period. Ms. Murphy reached out to Mr. Wimsatt and he responded via email. However, Ms. Murphy and Mr. Wimsatt haven't contacted in the last couple of days and need to in order to make more progress. We know that there are dates for some of these public meetings already scheduled. Ms. Murphy thanked NHDES for sharing that information about the meetings for Bedford and Londonderry, we know that Merrimack is next. We'll be discussing that on the 21st.

Commission Vacancies/New Clerk

Rep. Rung noted that Sen. Daniels brought it to her attention that we have vacancies that have existed on this commission since it was first convened. Rep. Boehm will pursue the Litchfield town representative appointment.

Rep. Rung also noted that the Commission will need a replacement for clerk as Ms. Fordey is moving out of state and today's meeting will be her last with the Commission. Rep. Rung stated that being a commission clerk is not as bad as one might think, and the replacement could utilize a program that Ms. Fordey uses to help translate speech into text. Rep. Rung informed the Commission that she wanted everyone to think about it and she was not going to ask now but really would like if someone could step forward, they can send her an email if you can serve as clerk. Even if it's just for a few meetings, that is okay, but we will need a new clerk for our main meeting, so please keep that in mind. Rep. Rung noted she is pursuing some of the other vacancies so that we can be a full commission.

Rep. Rung reported one other thing she wanted to mention is that now that the House and Senate have passed the crossover deadline, she will approach the House Administrative Services about taking over hosting this meeting. She stated she is very grateful to NHDES for hosting and that Ms. Amy Rousseau has done a wonderful job. However, this is a House commission and it's more appropriate for the House to host the commission meetings and the subcommittee meetings. It also allows for streaming and on demand

viewing on YouTube, because they have a channel, so hopefully our main meeting may be hosted again by the House. We are last in line for their services, their standing committees take precedent, but those schedules have now opened up, so she is hoping we can slip in there. In addition, administrative services should also have more time to update our website, we're behind on updating a lot of our documents.

Ms. Messmer informed the Commission that in the interim as the Commission's meetings have been hosted by NHDES, the NH Safe Water Alliance has been making the meeting recordings available to the public, getting the large file from Ms. Rousseau and uploading them one by one.

Ms. Harrington thanked Mr. Wimsatt for sending the letter that NHDES created encouraging homeowners to sign the access agreements with Golder Associates in order for their private wells to be tested. She stated she already sent a draft of the Merrimack Town Manager, and the town officials are anxiously awaiting the list of residents' names and addresses. In the meantime, the Merrimack town councilors will review the letter and send back any suggestions to Mr. Wimsatt.

Ms. Harrington continued that she wanted to provide a short update. The last time she reported to the Commission, the Town of Merrimack was going to go to the Air Resource Council. Ms. Harrington reported that the Town of Merrimack has withdrawn from this presentation. The two major issues related to the Air Resource Council had to do with how the hydrogen fluoride (HF) emission, which is very toxic, is being calculated, and do the calculations accurately represent the potential emissions. Well, as we know from the consent decree that was done between NHDES and SGPP, the stacks are going to be measuring HF. That is indirectly measuring the PFAS, as well as the precursors, because it's the end result that we want. One of the issues we had asked about the Council is we were telling them that the calculations were incorrect. However, the outcomes are being measured. And that's the most important thing, and that has to be at the stack, and completed a month before it goes online, which will be in July. As a town, we felt the two major issues were addressed by the consent decree, but we also wanted to make sure that we didn't go ahead, go forward, be told by the way, it's already being addressed, because we still want to hold on to the potential in the future, we're watching you. Based upon potential problems, we can go back to the Air Resource Council. We are still waiting for a date for our injunction, we have not done that yet for NHDES and SGPP, and we're considering all the issues but still active for now.

Rep. Rung reminded Commission members to think about serving as clerk, even if just for a few meetings as it doesn't need to be for the remainder of the Commission's term. Rep. Rung thanked Ms. Fordey for her work as clerk and on the Commission.

Ms. Fordey thanked everyone on the Commission and encouraged anyone with questions on clerk responsibilities or her process to reach out. Ms. Fordey reported that serving as clerk, particularly listening back to recordings of meetings, helped her deepen her understanding of the sometimes-complicated subject matter of the Commission.

Ms. Fordey motioned to adjourn the meeting. Ms. Murphy seconded the motion. Rep. Rung stated that, due to a new executive order by Governor Sununu, a roll call vote is no longer required to adjourn. The motion to adjourn passed by voice vote.

#

Next Commission meeting: TBD; Commission members will be notified via email and appropriate notice will be given in the necessary public forums