

**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, May 14, 2021 8:30 AM, Virtual Meeting**

Attendees: Mr. Chris Bandazian (Town of Bedford), Rep. Ralph Boehm, Dr. Kathleen Bush (NHDHHS), Rep. Jacqueline Chretien, Sen. Gary Daniels, Rep. Bob Healey, Rep. Richard Lascelles, Mindi Messmer (environmental advocate), Rep. Maureen Mooney, Ms. Nancy Murphy (Town of Merrimack), Ms. Emma Paradis (Bedford resident), Rep. Rosemarie Rung, Mr. Michael Wimsatt (NHDES), Rep. Gary Woods (NH Medical Society)

The meeting was called to order at 8:30 am.

Rep. Rung read the Right to Know notice.

Rep. Rung (serving as clerk) called the roll for attendance. Commission members stated their location and if anyone was in their presence.

Ms. Murphy moved to accept the April minutes as submitted. Rep. Wood seconded the motion. The motion passed by a roll call vote.

Rep. Mooney updated the Commission on PFAS-related legislation: HB256 was signed into law, HB135, HB236, and HB271 had hearings but are awaiting committee recommendations. HB235 was recommended OTPA (which Sen. Daniels later said had passed the Senate). The NH House Judiciary committee retained HB478. The federal bill, the American Rescue Plan, was passed and there are provisions in it to cover clean drinking water infrastructure. The Governor said he is working with the Senate President and NH House Speaker on implementing the Plan in NH.

Mr. Wimsatt provided an update from NHDES:

NHDES held a virtual public information meeting in Bedford last week (May 6) and will be holding three more in Litchfield (Monday, May 17), Londonderry (Thursday, May 20), and Merrimack (Tuesday, May 25) to update residents and answer their questions. The meetings have core information on the history, consent decree, and toxicology of PFAS, but also are tailored to each to provide community-specific information regarding sampling and the occurrence of contamination in private wells. <https://www4.des.state.nh.us/nh-pfas-investigation/?p=1371>

Merrimack, Bedford, and Londonderry are working on sending follow up letters to residents who have not responded to Saint-Gobain's (Golder's) invitations for sampling. NHDES has provided a template letter and lists of non-responsive residents.

NHDES sent approximately 6,000 notification letters to properties within 500' of an AGQS exceedance for PFAS within the Consent Decree Area as well as to public water supplies with AQGS violations within their WHPAs. This notification retroactively includes all past results available in NHDES' EMD/GIS databases. New violations will be notified by NHDES on a monthly+/- basis going forward.

NHDES initiated bi-weekly calls on 4/20/21 with SG to discuss lingering concerns such as long-term alternate water, etc.

As far as Saint-Gobain RTO/site investigation/sampling/waterline work, consent agreement resolving the State's lawsuit against SGPP gives SGPP a July 30 deadline for installation of the RT. DES understands that SGPP is on schedule to meet the deadline.

Saint-Gobain submitted a Supplemental Site Investigation Report that includes a preliminary screening of potential remedial alternatives. This plan remains under review by NHDES. Saint-Gobain's consultants submitted a work plan in January for additional storm water sampling that will be conducted after the RTO is operational. We expect that this work will be conducted in late summer/early fall.

Saint-Gobain's consultants submitted the 2020 Pre-GMZ Annual Report on May 4, 2021. They proposed additional wells for ongoing sampling in Londonderry to evaluate temporal PFAS trends.

SGPP consultants submitted the 2020 Annual Groundwater Monitoring Summary on 4/7/2021 (under review).

As far as water supply well sampling, SGPP presented a work plan for residential well sampling and eight addenda to the sampling plan relative to the 2019 AGQS. Addendum 9 is expected at the end of May; Golder will use 500' buffer on wells >AGQS to identify proximal properties for addition to the sampling list. Golder will upload EMD data bi-weekly to NHDES.

As of 5/11/21 (date of last tally): 2,220 properties identified for sampling, 2,178 access agreements sent (return rate ~ 65%), 1,222 samples collected from water supply wells, 664 properties offered bottled water, and 27 properties resampled of 79 identified for resampling (with results between 10 and 12 ppt for PFOA).

NHDES requested an updated estimate on the timeline for sampling and permanent alternate water in a letter dated December 17, 2020:

<https://www4.des.state.nh.us/IISProxy/IISProxy.dll?ContentId=4892196>

NHDES expected a response from SGPP directly on the alternate water question in February. The response is considered past due. SGPP indicated during a call on 5/7/21 that they are close to identifying plan for 'low hanging fruit' and expect to request meeting with NHDES in coming weeks. SGPP said they intend 'shovels in the ground' this year.

NHDES requested addition action: 1) investigation of potential groundwater impacts due to air deposition from the facility throughout the entire Consent Decree area. NHDES does not agree with

fixed buffers around other potential contamination sources excluding sampling; 2) framework to prioritize second samples of properties with detected PFAS that are below AGQS, in light of potential seasonal variation and that bottled water is contingent on an exceedance; and 3): alternate water should be provided to properties within buffers and properties with potential other sources that are also impacted by air deposition (e.g. properties with PFASs)

<https://www4.des.state.nh.us/IISProxy/IISProxy.dll?ContentId=4894693>

We expect a separate response from SG on this topic, which has not yet been received. Expect this to be discussed at future meeting mentioned in preceding item.

Public wells within the Consent Decree Area: Excluded from work plan – DES sent a letter to SG on 4/6/21 requesting a work plan for these categories of public wells. A response is past due, and there is no current estimate for a submittal date as of inquiry.

Ms. Messmer asked about areas outside the Consent Decree area. Mr. Wimsatt said they are working with towns to conduct sampling in this area prioritizing areas that are in proximity to existing contamination. Sampling is intensive in Londonderry due to the high level of impacts and DES is pursuing the option of bottled water for some Londonderry residents.

Ms. Murphy asked about a public meeting for Hudson. Mr. Wimsatt said none is planned now but will consider it.

Ms. Messmer asked what is the recourse for private well owners with contamination who live outside the Consent Decree area. Mr. Wimsatt responded that they are looking into relief and will likely have an update at the next meeting.

Rep. Rung asked if a Q&A from the public hearings will be posted and Mr. Wimsatt said a Q&A is available and would be open to updating it with new questions.

Rep. Rung asked if there was a deadline for SGPP to pursue the “low hanging fruit.” Mr. Wimsatt said DES is impatient with SGPP, but detailed action by DES is kept confidential from a public setting.

Ms. Paradis provided an update on the Communications subcommittee. Liaisons from Hudson and Londonderry are collecting information and questions to enable effective communications with these communities.

Rep. Rung stated that nominations for Commission vacancies are awaiting confirmation from the Senate President.

Mr. Bandazian provided an update on the Environmental subcommittee. Catherine Beahm from NHDES joined them at their 4/27 meeting to discuss sources of air disposition and areas it potentially impacts. Recommended future study would include regulated and not-yet-regulated substances, surface water standards, and soil standards. Their next meeting is May 25.

Ms. Murphy provided an update on the Health subcommittee. They met on 4/26 and discussed the blood sample retention letter from NHDHHS (from the MVD exposure assessment study), the status of

the Merrimack Town Council variance request, the upcoming Drinking Water conference, and the need for an update to cancer report from NHDHHS before May meeting, among some other topics.

Dr. Bush provided an update from NHDHHS, mentioning the upcoming water conference, the 6/10 conference NH Childhood Cancer Conference, APPLETREE grant work (especially work being down on the Pease study and the need to recruit study participants), 30 re-consents for blood sample retention from the MVD community exposure assessment study have been received out of a possible 217 participants. Federal grants supported covering some expenses. Dr. Bush also reached out to have a reanalysis of the 2018 cancer study including 5 years of surveillance data that have come in since 2016. This work will take time but Dr. Bush will provide an update at the June meeting.

Dr. Woods asked a question about the format and content of the NH Childhood Cancer Conference. Dr. Bush provided an explanation of format, some of the presentations and speakers.

Ms. Murphy asked if analysis work has been conducted since the 2018 cancer report. Dr. Bush said a statewide surveillance report was issued a few months ago but not analysis work. There was also discussion about a 'grace period' for re-consents for the blood sample retention and what needs to be done for people with address/name change. Ms. Murphy also asked about the Bio-monitoring Trace Study. Dr. Bush said it is with NHDHHS for final review. She also said representatives from the study would be available to present at a future Commission meeting.

Rep. Rung asked for specific options for a reply to the re-consent letter.

Rep. Lascelles, joining by telephone, introduced himself to the Commission.

Rep. Rung asked for volunteers to serve as clerk for the next meeting.

The next meeting will be on June 11 at 8:30 am.

The meeting was adjourned at 9:36 am.

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