

**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, Litchfield, and Londonderry.**

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

**Meeting**

**MINUTES**

**Friday, October 22, 2021, LOB 305**

The meeting was called to order at 10:02 AM.

**Present:** Rep. Bob Healey, Rep. Rosemarie Rung, Rep. Gary Woods (NH Medical Society), Mr. Chris Bandazian (Town of Bedford), Dr. Kathleen Bush (NHDHHS), Ms. Amy Costello (UNH), Hon. Mindi Messmer (environmental advocate) by phone, Hon. Nancy Murphy (Town of Merrimack), Mr. Michael Wimsatt (NHDES).

**Absent:** Sen. Sharon Carson, Sen. Gary Daniels, Rep. Ralph Boehm, Rep. Jacqueline Chretien, Rep. Maureen Mooney, Mr. Joseph Ayotte (USGS), Ms. Emma Paradis (Bedford resident).

Mr. Bandazian indicated that his title should be “Mr.” rather than “Rep” on page 2 of the September 10 minutes. Rep. Woods moved to approve the September 2021 minutes as amended. Seconded by Mr. Bandazian. The motion passed. Rep. Healey and Mr. Wimsatt abstained.

Mr. Michael Wimsatt presented an update from NHDES:

PFAS remediation rules passed by JLCAR and noted of \$100M from ARPA for investments in drinking water and wastewater infrastructure.

NHDES sent 77 notification letters on August 11, 2021 to properties within the Consent Decree Area (CD) that were within 500’ of an AGQS exceedance for PFAS. Approximately 6,677 notification letters have been sent for areas inside the CD.

NHDES issued a comment letter on August 13, 2021 regarding the Golder Stormwater Sampling Work Plan relative to storm water sampling and the effect the RTO has on PFAS contamination. Sampling is anticipated this fall.

NHDES met with Saint-Gobain on 8/11/21 to discuss plans for provision for permanent alternate water and other outstanding NHDES requests. Negotiations, lead by the NH Dept. of Justice, are continuing on this matter.

NHDES issued a letter on 9/1/21 pertaining to long term operation and maintenance of MVD wells 4 and 5.

NHDES issued a letter pertaining to wells with results >70 ppt outside the consent decree area on 9/2/21.

NHDES met with the Litchfield Selectboard on 9/27/21 to discuss the status of alternate water provisions to homes above the PFAS standards.

NHDES issued a letter commenting on Addendum 11 of the Golder sampling plans on 9/24/21 with anticipated completion of sampling within the CD area by the end of December 2021.

NHDES facilitated a meeting with Saint-Gobain and state contractors working on a Londonderry water supply study on 9/24/21. The contractor's report is due at the end of October, and NHDES will bring the parties back together, along with Londonderry officials to discuss how they can work together to bring public water to several hundred residents located both inside and outside the CD area. This will likely use a combination of funds from SGPP, American Rescue Plan Act (ARPA) infrastructure funds and other sources for what will be a significant water line expansion project.

NHDES facilitated a meeting with Saint-Gobain and Hudson Town officials regarding contaminated water supply wells on 10/12/21.

Saint-Gobain completed the required stack test of their Regenerative Thermal Oxidizer (RTO), which became operational in late July of this year. The testing was completed during the week of September 6, 2021, and all required samples were collected. The testing report is due November 9, 2021.

In addition, NHDES previously approved a sampling work plan for the rainwater study that SGPP is required to conduct. Two rounds of sampling have been collected to date, one in August and one in September (both prior to the stack test). Results showed between 2 and 3.4 ppt of PFOA were detected in the sample from the "worst case" location on the plant site. This data is a concern to NHDES. NHDES has many questions and is working to evaluate specific operating conditions of the RTO during those tests and the significance of this information.

Regarding the Saint-Gobain Site Investigation, Saint-Gobain submitted a Supplemental Site Investigation Report that includes a preliminary screening of potential remedial alternatives. This plan is currently under NHDES review.

Saint-Gobain's consultants submitted the 2020 Annual Groundwater Monitoring Summary on 4/7/21.

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.

A limited soil sampling data summary was submitted to NHDES by Flatley's environmental consultant on 9/10/21.

Regarding well sampling, SGPP presented a Work Plan for Residential Well Sampling and ten addenda to the Sampling Plan relative to the 2019 AGQS. Golder is using 500' buffer on wells >AGQS to identify proximal properties for addition to the sampling list.

Currently, Golder is retesting wells with PFOA results between 10 and 12 ng/L. [In an approval letter for Addendum 10, NHDES requested expanded criteria for retesting wells that are close-to, but not over AGQS after 10 out of 30 wells exceeded AGQS when they were retested.]

Within the CD Area, as of 9/28/21 (date of last tally):

- 3,166 properties identified for sampling
- 2,906 access agreements sent (*Return Rate ~ 67%*)
- 1,767 samples collected from water supply wells (349 more than July report)
- 835 properties offered bottled water (85 more than July report)
- Breakdown by Town
  - Londonderry 384
  - Bedford 329
  - Litchfield 61
  - Merrimack 49
  - Hudson 1
- Outside the CD Area
  - Approx. 460 wells in Londonderry
  - Approx. 44 wells in Bedford

Rep. Murphy inquired about feedback residents receive when they request well testing via the NHDES website. Mr. Wimsatt advised that residents are informed if testing can be performed right away, and if not, they will receive acknowledgment of their request.

Rep. Woods inquired about the retesting of wells in the 10-12 ng/L range and about monitoring wells. Mr. Wimsatt advised that programs were ongoing. Resampling tended to confirm initial test results.

Ms. Costello inquired about modeling and retesting standards in other states. Mr. Wimsatt advised that NHDES staff planned to attend the March 2022 PFAS Science Conference originally scheduled for Spring 2020. In addition, use of ARPA funds in NH may prioritize extension of public water availability in response to PFAS contamination.

Mr. Bandazian inquired about the status of alternate water and sampling related to the TCI site. Mr. Wimsatt reported slow progress due to a lower level of cooperation with a number of pending lawsuits.

Ms. Mesmer inquired about rainwater sampling pre- and post- RTO operation and whether elevated results may reflect ventilation system residue, fugitive emissions from ongoing operations, or contributions from other stacks that are not connected to the RTO. Mr. Wimsatt indicated that more robust rainwater sampling is required. Thus far, stack testing indicated an extensive list of PFAS compounds with PFOA in the highest concentration. He recommended having staff from the Air Division speak at the November meeting for more information.

Rep. Rung inquired about plans to resample rainwater. Mr. Wimsatt replied that plans were not yet in place. Rep. Rung inquired whether the CD could be amended to make SGPP financially responsible for extension of water service on both sides of High Range Road in Londonderry. The west side of the road is in the CD. There are better uses of taxpayer ARPA funds, and SGPP should take responsibility.

Dr. Bush provided an update from NHDHHS:

A PFAS Fact Sheet is available, and can be circulated by Commission members.

NHDHHS's overhaul of the agency's website includes a PFAS page.

The cancer data group continues its work with details anticipated in November.

NHDHHS and the SB 85 Commission are working with healthcare providers. A nurse practitioner CME/CEU is planned. Rep. Woods indicated that he will reach out to the Medical Society to inquire about their involvement in CME/CEU's. Ms. Murphy said that PFAS CME/CEUs address concerns of both the SB 85 and HB 737 Commissions.

Rep. Rung reported that EPA Commissioner Regan attended a meeting in Merrimack and has experience with PFAS from his home state. The EPA is proposing PFAS air regulations.

Rep. Rung stated that she will draft a letter to SGPP for discussion at the next Commission meeting urging agreement to expand the CD.

Ms. Mesmer asked Dr. Bush whether the cancer update would be limited to Merrimack. Dr. Bush indicated it was unclear.

Rep. Rung suggested that, due to Finance Committee scheduling conflicts, meeting dates be changed to the second Friday of the month with the next meeting being November 12, 2021 to include a presentation by the Air Division.

Ms. Murphy agreed to obtain an update on the formal status of the Merrimack Appeal regarding the RTO permit.

Regarding the Annual Commission Report, revision of the disclaimer was discussed with clarification that Commission conclusions should not be construed as NHDES or NHDHHS agency adopted positions.

The procedure for the finalization and delivery of the 2021 annual report was discussed with approval of the core report and assent to revisions by Representative/Chairperson Rung in accordance with Commission discussions and comments submitted by 5:00 PM October 26<sup>th</sup>, with the revised report to be completed and circulated by Wednesday October 27<sup>th</sup>.

Rep. Rung moved that the HB 737 Commission accept the draft report and allow the Chair to make revisions based on input, seconded by Ms. Murphy. A vote on the motion was tabled pending discussion of the draft report.

It was agreed that the Health subcommittee list of proposals should be presented as items for study, legislation and/or rulemaking. Ms. Mesmer requested the additional subjects of school

drinking water and the inclusion of fish in surface water standards. A mechanism for health data collection other than a registry was discussed. Ms. Mesmer requested the addition of a Communication subcommittee report.

Ms. Murphy moved the tabled motion to a vote, seconded by Ms. Costello. The motion passed with 2 abstentions by Dr. Bush and Mr. Wimsatt.

Mr. Wimsatt advised that in the course of the Commission meeting, the Fiscal Committee had voted to approve use of \$100,000 for water infrastructure, and that JLCAR had passed MBTE and PFAS standards for bottled water.

There was no public comment.

Ms. Costello moved to adjourn, seconded by Mr. Wimsatt. The motion passed unanimously.

Meeting ended at 12:00 PM.

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