

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, February 11, 2022, Virtual Meeting

The meeting was called to order at 9:03 AM by the Chair.

Present: Laurene Allen (Merrimack citizen rep.), Rep. Ralph Boehm (via phone), Dr. Kathleen Bush (NHDHHS), Rep. Jacqueline Chretien, Ron Dunn (Londonderry citizen rep.), Rep. Bob Healey, Rep. Maureen Mooney, Hon. Nancy Murphy (Town of Merrimack), Rep. Rosemarie Rung, Mr. Michael Wimsatt (NHDES), Rep. Gary Woods (NH Medical Society)

Arriving later: Chris Bandazian (Town of Bedford), Hon. Mindi Messmer (environmental advocate)

(Link to meeting:

https://www.dropbox.com/sh/1k72nacqrugrxeg/AAB4yS8swxKzS1_XRwZY17qka?dl=0)

Chair Rung introduced new member, Ron Dunn, citizen representative from Londonderry.

Chair Rung asked for members to inform her if anyone is interested in serving on subcommittees, particularly the Communication Committee.

Legislative Update

Rep. Mooney provided a legislative update on PFAS-related bills:

HB 478 – Passed http://www.gencourt.state.nh.us/bill_Status/billinfo.aspx?id=633&inflect=2

HB 1185 – Passed http://www.gencourt.state.nh.us/bill_Status/billinfo.aspx?id=1514&inflect=2

SB 455 – ITL http://www.gencourt.state.nh.us/bill_Status/billinfo.aspx?id=2221&inflect=2

Review of ATSDR and DHHS Public Meetings

Chair Rung reviewed the recent virtual public meetings held by ATSDR and DHHS and asked for feedback. She felt it would be more effective and useful to the public if they were in a panel format so there would be more people there able to answer questions.

There was a discussion and agreement to do these on a regular basis as more information is ready to share. Information should be more specific. They have been recorded.

Draft Letter to SGPP, DES, AG

Rep. Rung shared the following draft letter requesting all parties agree to extend the Outer Boundary of the Consent Decree area:

February X, 2022

Mr. Mark Rayfield

President and CEO

Saint-Gobain North America

20 Moores Road
Malvern, PA 19355

Mr. Robert Scott

Commissioner

NH Department of Environmental Services

Hazen Dr.

Concord, NH

Dear Mr. Rayfield and Commissioner Scott:

As you are aware, the Consent Decree between Saint-Gobain (SGPP) and the State of New Hampshire requires SGPP to investigate and remediate groundwater contamination from their Merrimack facility for sites within the Outer Boundary as defined in the Consent Decree. At the time the Consent Decree was finalized, well testing for PFOA had not fully characterized the extent of groundwater impact, however, test results are clearly showing now that contamination extends beyond the Outer Boundary and it is attributed to SGPP's Merrimack operations.

The HB737 Commission on the Environmental and Public Health Impacts of Perfluorinated Chemicals (RSA:126-A:79-a), requests that SGPP and the State of New Hampshire agree to an addendum to the Consent Decree that would extend the Outer Boundary to include areas recognized by the NH Department of Environmental Services as having PFAS contamination resulting from SGPP operations. We believe it is not the responsibility of taxpayer-funded government, either at the local, state, or federal levels, to pay for the investigation and remediation of contamination when SGPP is clearly the responsible party.

Sincerely yours,

Rosemarie L. Rung

NH State Representative

Chair, HB737 Commission

Cc: [enter names]

There was discussion of including the NH Dept. of Justice and AG on the letter. Rep. Rung asked for members to forward any suggested changes to her by Monday.

DHHS Update

Dr. Bush provided the following report:

Cancer Investigation

1. We held a virtual community meeting on 1/27 to share an overview of our response to cancer concerns. There were 350 people registered for the meeting, and nearly 250 people were in attendance. We thank those that were able to attend, and hope that you were able to share feedback via the event survey. A recording of the webinar will be uploaded to the NH Public Health YouTube Channel.

- a) We continue to communicate with concerned individuals using the 603-271-4959 and CCRTDHHS@dhhs.nh.gov
- b) We are working to finalize the “case definition” and develop our protocol for gathering additional information from “cases,” which will likely include a survey.
- c) We are hopeful that we should have something more to report in the next month. However, staffing is impacting the timeliness of our response.
- d) Please continue to connect concerned community members with the Cancer Concern Review Team (CCRT):
Whitney Hammond, Chronic Disease Director at NHDHHS,
DHHSCCRT@dhhs.nh.gov or 1-603-271-4959, or visit the NH Comprehensive Cancer Control Program at <https://www.dhhs.nh.gov/dphs/cdpc/nhcccp.htm>.

2. ATSDR’s Health Consultation Report

The ATSDR Health Consultation [report](#) was released on December 18, 2021: “Evaluation of Per- and Polyfluoroalkyl Substances (PFAS) in Private Wells near the Saint-Gobain Site in Southern New Hampshire, Merrimack, New Hampshire”

(<https://www.atsdr.cdc.gov/HAC/pha/StGobainPlastics/St-Gobain-PFAS-HC-PC-508.pdf>)

There was a public meeting held on February 2, 2022 to share the report and gather community feedback. Several ATSDR staff were in attendance, along with partners from both NHDES and NHDHHS. Nearly 100 people were in attendance.

Partners at NHDES have collected a variety of resources, including the draft report that was discussed at the community meeting, in a post on the NH PFAS Investigation website:

<https://www4.des.state.nh.us/nh-pfas-investigation/?p=1431>

As ATSDR's local partner, NHDES and NHDHHS are happy to have been part of the meeting. Several questions came up during the meeting that could best be answered by members of New Hampshire's state agencies. If you're not sure who to contact, there is no wrong number – we will connect you to the right person. A PDF including contact information for NHDES and NHDHHS staff is available here: <https://www4.des.state.nh.us/nh-pfas-investigation/wp-content/uploads/atsdr-public-meeting-contacts.pdf>

A recording of the community meeting is available here:

<https://register.gotowebinar.com/recording/viewRecording/2969673574993893904/2080093901646207248/kathleen.bush@dhhs.nh.gov?registrantKey=6600698575848437520&type=ATTENDEEMAILRECORDINGLINK>

Technical comments should be submitted by March 1, 2022 to be considered during the Public Comment Period for a response in the final document.

DES Update

NHDES issued a letter requesting additional groundwater monitoring by SG in the vicinity of the NHDOT F.E. Everett Tpk. (FEET) project on 2/10/22.

NHDES completed bureau-level review of the SSI letter on 2/7/22

NHDES met with C. Bandazian to discuss results of SGPP's residential well resampling on 2/4/22

NHDES has been actively engaged in ongoing negotiations over alternate water

SGPP presented a Work Plan for Residential Well Sampling and **Thirteen** 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.

As of 1/28/22:

- 3,644 properties identified for sampling (207 more than January report)
- 3,404 access agreements sent (*Return Rate ~ 68%*)
- 2,098 samples collected from water supply wells (45 more than January report)
- 947 properties offered bottled water (11 more than January report)

The majority of properties within the CD have been addressed by the Work Plan and Addenda (see screen shot of Golder Figure from January 2022 Bi-Monthly Update at end of summary). NHDES expects a few more addenda will be needed in the coming year to fill out sampling, mainly at the periphery of the CD. Additionally, there are numerous property owners that declined to have their wells sampled after two notices from Golder Associates that could choose to be sampled in the future.

Saint-Gobain's consultant will be conducting post-RTO stormwater sampling, timing dependent on confirmation of effectiveness of RTO and safety concerns working around Merrimack River.

NHDES issued the [Letter of Deficiency No. ARD 21-010 \(LOD\)](#) to Saint-Gobain on November 18, 2021. Saint-Gobain submitted timely information as a result of the LOD. This information included [information on the bypass stack](#), [a compliance plan, procedure and updated monitoring plan for the bypass stack and equipment operations](#), [data on bypass stack operations since start-up of the RTO](#) and [a permit application](#) to amend the Temporary Permit TP-0256 regarding the installation and operation of the bypass stack.

NHDES has reviewed these submittals along with monitoring plan data submitted since March 2020. The following are NHDES' responses to Saint-Gobain:

[Letter dated December 3, 2021](#)

[Letter dated January 27, 2022](#) requesting additional information regarding the air permit application within 30 days.

[Letter dated January 28, 2022](#) requesting additional information regarding the Air Pollution Control Equipment Monitoring Plan within 30 days.

In addition, Saint-Gobain has continued to submit monthly monitoring plan letters as required in TP-0256 and rainwater study results. These documents can be found at:

<https://www4.des.state.nh.us/DESEOneStop/AFSDetail.aspx?ID=3301100165> under the General Correspondence tab.

NHDES staff also conducted an inspection on January 6, 2022, to review onsite records pertaining to the use of the bypass stack and the RTO. A report on the inspection has not been finalized as of the date of this email.

As a result of initial comments from NHDES to Saint-Gobain on the stack test report for the September 2021 stack test, Barr Engineering submitted a [revised stack test report](#) on January 31, 2022. NHDES is currently reviewing this report.

Next meeting: March 11, 2022 at 10 AM.

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