

**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**

**APPROVED**

**Friday, March 11, 2022, Virtual Meeting**

The meeting was called to order at 10:03 AM by the Chair.

Attending: Laurene Allen (Merrimack citizen rep.), Chris Bandazian (town of Bedford), Rep. Ralph Boehm, Abby Rogers for Dr. Kathleen Bush (NHDHHS), Amy Costello (UNH), Sen. Gary Daniels, Ron Dunn (Londonderry citizen rep.), Rep. Bob Healey, Rep. Maureen Mooney, Hon. Nancy Murphy (Town of Merrimack), Rep. Rosemarie Rung, Mr. Michael Wimsatt (NHDES)

Legislative Update

Rep Mooney provided an update on PFAS related bills. 4 bills are moving forward and one does not have a recommendation yet.

**HB 1547** pertaining to PFAS in soil regulation will be in the Division of Finance work session on 3/14/22 at 2 pm. No difficulty is anticipated as there is no financial impact from this bill.

**HB 478** pertaining to the Operation and Maintenance for Merrimack public wells 4 and 5, not covered by the Saint Gobain agreement, cleared the House and is waiting on a Senate scheduling date.

**HB 1185** (amended version) which allows municipalities to regulate PFAS in wastewater treatment plants passed committee unanimously.

**HB 1546** pertaining to defining PFAS and allowing the NHCES Commissioner to adopt rules about airborne PFAS was recommended by committee, amended version.

There has not yet been a recommendation on **HB 1422** which would require warning labels on consumer products containing PFAS.

**Approval of minutes from January 14, 2022 meeting**

Motion to accept by Rep. Maureen Mooney, seconded by Hon. Nancy Murphy. Motion passes unanimously

**Approval of Minutes from February 11, 2022 meeting**

Motion to accept by Hon. Nancy Murphy, seconded by Ron Dunn. Motion passes unanimously

**Draft Letter Submission to Saint Gobain**

Presented as previously sent to commission members for feedback in draft form by Chair Rosemarie Rung. No additional comments or concerns on letter. Motion to accept as submitted and sent out signed as Chairperson on behalf of committee made by Hon. Nancy Murphy and seconded by Ron Dunn passes with Mike Wimsatt, NHDES, abstaining and all other members in favor.

### **NHDES Update**

NHDES is actively engaged in negotiations with Saint Gobain to gain a commitment to connect homes within the consent decree area to public water systems. He is optimistic that he will have something more concrete to report on at the next commission meeting.

In the most recent workplan, Saint Gobain has 3644 properties identified for well sampling with 3468 access agreements sent. There is a 68% return rate which includes 64 more properties than reported in February. 2155 samples have been collected, 57 more than the February report, and 955 properties have been offered bottled water, 8 more than the last report.

The majority of properties within the consent decree area have been addressed by the work plan with about 200 properties that have not yet been sampled. These numbers exclude about 300 disputed properties located in buffer zones that NHDES is not necessarily in agreement with Saint Gobain on and is working to resolve. Unfortunately, there are numerous property owners who have declined to have their wells sampled at this point.

Post RTO stormwater sampling is due to be completed by Saint Gobain's consultants this spring. Rainwater sampling events are being conducted monthly; link will be provided for minutes.

Links to Air Division Documents to be provided.

Inspection was conducted in January by DES to review the use of an RTO bypass.

Supplemental information was submitted by SG in February with a revised plan DES inspection of RTO and records of RTO functions not yet finalized as DES response to SG by Air Division will be sent next. Revised stack test reports will be linked in information provided for minutes by DES and answers to questions made to SG on 3/12 about the stack tests are not received yet.

### **Questions RE: NHDES Update**

Hon. Nancy Murphy asks what actions DES will take about the disputed homes and what the timeline is? Mike Wimsatt states all homes within the consent decree area have the potential to be impacted by air emissions from the plant, regardless if there are potential additional sources and that all homes are eligible for sampling. He does not have a timeframe for resolution.

Chris Bandazian comments that as costs are rising for asphalt, piping and other expenses, the cost of road maintenance and municipal work will be much higher moving forward on expenses related to water line expansion.

Sen. Daniels asks if there is a timeline for homes that decline testing to be aware of for future actions? Mike Wimsatt responds that once water lines are going through, a final response date will need to be decided on as a connection or a POET cannot be requested after the remedy is in

place. Follow up by Sen. Daniels about the homeowners in dispute and those who have not yet been sampled and their options if an agreement were to be reached shortly. If homeowners agree to remedies, they will be included but a concern still exists that there are about 1000 property owners who have declined testing. The hope is that when a remedy is proposed, more homeowners will come forward.

Ron Dunn asks if an alternative to Monadnock Water exists as home water deliveries are backed up about 3 weeks. Mike Wimsatt responds to call DES if problems and they will ask SG to send their associate, Golder to pick up.

Chair Rung asks about the process for disputed wells and if SG has presented evidence of other sources? Mike Wimsatt responds that in theory other sources such as fire departments could have contributed and that this does not excuse Saint Gobain from sampling. He states that the Attorney General's office and Saint Gobain's attorneys are in talks and will hopefully find a resolution within the next few months. Additional questions asked by Chair Rung about the air revised permit which is in process. She also makes the point that there are 8 more homes in the last month who are receiving bottled water and would like to know when there will be a permanent solution. DHHS is hopeful that they will have an answer in the coming weeks.

#### **NHDHHS Update, Abigail Rogers in for Dr. Bush**

The cancer concern review team is looking at data received and next steps but are hampered as they do not have a cancer epidemiologist in position. DHHS will be launching an updated website in May for PFAS related education and support information. DHHS/DES will be part of a panel discussion about PFSS at the Northern New England Nurse Practitioners Conference in April. Hon Nancy Murphy will also participate as a community member. The department continues to receive inquiries from the public about PFAS blood testing, labs, insurance coverage as well as information sought and guidance for clinicians. They are providing information as well as continuing to work on provider communication.

#### **Questions RE: DHHS Update**

Hon Nancy Murphy asks how often the CCRT meets and when will the cancer epidemiologist join? The team meets at least monthly and is actively hiring for the epidemiologist position.

#### **Subcommittee Reports**

Chair Rung states the subcommittees need refreshing and gives an overview of subcommittees, the rules governing them, standing membership, process, public notice of meetings and public access and the purpose of subcommittees to make recommendations to the full commission.

The subcommittees are Environmental, Health, Communication and Policy and a proposed listing of assignments was discussed and agreed upon. It was noted that a community member representative from Bedford was needed due to an opening and that the nomination would have to be made by Senator Daniels and confirmed by Senate Leader Morse.

Rep. Mooney asks if the commission can review the online webinars with information presented to the public and questions answered and whether the communications subcommittee can address the content of such webinars going forward.

### **Other**

Recently named EPA Region One Director David Cash will be invited to the next Commission meeting. He will be asked to give an update of what the US EPA is doing in the area of PFAS.

There was also a request to have someone from the NH Department of Education speak about the impact of PFAS on learning disabilities which will be on a future agenda. There was discussion about moving the April Commission meeting as it conflicts with the Northern New England Nurse Practitioner Conference but the decision was made to maintain the Commission Schedule of the 2<sup>nd</sup> Friday of the month.

Next Commission meeting will be virtual, on Friday 4/8/22 at 10 am.

Motion to adjourn made by Hon Nancy Murphy, seconded by Rep Bob Healey.

Meeting adjourned at 10.50 am

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