

**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**

**MINUTES**

**APPROVED**

**Friday, June 10, 2022, Virtual Meeting**

The meeting was called to order @ 9:02 am by Chairperson Rep. Rosemarie Rung.

Rep. Rung reviewed members present onscreen for attendance/quorum.

Present: Rep. Rosemarie Rung (Chair), Sen. Gary Daniels, Rep. Bob Healey, Rep. Maureen Mooney, Rep. Gary Woods (NH Medical Society), Ms. Laurene Allen (Merrimack citizen representative), Mr. Ron Dunn (Londonderry citizen representative), Mr. Chris Bandazian (Town of Bedford), Mr. Mike Wimsatt (NHDES, excused at 9:55), Dr. Kathleen Bush (NHDHHS), Hon. Mindi Messmer (environmental advocate), Hon. Nancy Murphy (Town of Merrimack), Ms. Amy Costello (UNH), Mr. Michael Strand (Bedford citizen representative, by telephone), Donald Provencher (MVD Commission Chairman).

Approval of the May 13, 2022 Minutes was deferred to the July meeting.

MVD Commission Chairman Donald Provencher provided a water treatment update.

Treatment for wells 4 & 5 has been ongoing since October 2020. Treatment of wells 7 & 8 located in Hollis came online in March 2022. Treatment of well 2 and the new well 9 (replacing well 3) is targeted for the Fall of 2022.

Presently, MVD continues to purchase water via the Pennichuck interconnect to limit the use of untreated water from well 2 to an as needed basis. Well 2 has not been used since October 2021. Well 2 is sampled monthly with PFAS levels is in the low single digits. When well 2 is used for water supply, PFAS levels are > 20 ppt. Raw water from well 2 is expected to exceed PFAS MCL's once pumping resumes.

Ms. Mesmer asked about seasonal variations at well 2 and other wells with dilution during groundwater recharge with an increase during the summer. Mr. Provencher advised that the greatest seasonal impact is seen with well 2 which is a sand and gravel well and the highest yielding well in the MVD system; however, seasonal variations are also noted in the other wells.

Ms. Allen commented that it is evident that PFAS plumes are broad and are drawn into wells that are actively pumped with the offline experience with wells 7 & 8 comparable to what is now seen at well 2. Ms. Allen thanked Mr. Provencher for the work done on the MVD Commission which was echoed by Ms. Murphy. Mr. Provencher thanked NHDES for keeping MVD informed of grant opportunities for waterline extensions.

Mr. Bandazian asked about the experience with carbon media replacement. Mr. Provencher advised that the media has not been replaced yet. The lead vessel media at wells 4 & 5 is expected to need replacement after 2 years of use based on the levels of regulated compounds. PFOA is the only regulated compound that has broken through at the lead vessel. Replacement is being set up. PFBA is the first routinely sampled compound with breakthrough which occurred after about 8 months in the lead vessel, and after 12-14 months in the second vessel. Levels remain in the low single digits. Routinely, 25 PFAS compounds are tested. Brandon Kernan assisted with a grant to test for 80 compounds which demonstrated breakthrough of PFPRAs in both vessels, most likely before PFBA breakthrough. Treated PFPRAs levels were comparable to raw water, 8-7 ppt. MVD is replacing media based on the regulated compounds. Projected costs for media replacement is approximately \$100,000, with an aggregate annual cost of about \$400,000 for all facilities with an 8 month replacement cycle. Ms. Allen asked when the testing for 80 compounds was performed which Mr. Provencher indicated was in July 2021.

Mr. Provencher discussed experimentation with combined treatment methods to potentially reduce operation and maintenance expenses. Ms. Mesmer asked Mr. Provencher to share the 80 compound list with the Commission for comparison with the EPA's list of 180 SGPP stack emission compounds.

Representative Rung asked about the Pennichuck interconnect water source. Mr. Provencher advised the prioritized source was Merrimack River surface water due to PFAS contamination from the Amherst source of Witches Brook that feeds Pennichuck Brook, and that Pennichuck added a carbon layer to its treatment, and that other Merrimack River organics were consuming the carbon bed as well. Mr. Provencher advised that all tap water from the MVD system meets MCL's. Treated water from wells 4 & 5 is at the non-detect level. Treated water from wells 7 & 8 is at the non-detect level, but blended with Pennichuck water, it is < 5ppt.

Representative Rung asked about SGPP raw material information with regard to PFPRAs. Mr. Wimsatt advised that the air division has raw material information, and Mr. Kernan may as well.

Mr. Wimsatt provided the following NHDES update:

#### NHDES Activity

As discussed at the last meeting, NHDES announced on April 18 that an agreement was reached with SG for the provision of alternate water for homes located within the 2018 Consent Decree. Remedies for 353 properties located in Bedford, Litchfield, Merrimack, and Londonderry were listed in the agreement. On April 29, NHDES received a proposal from SG to remedy 650+/- properties that were not specifically listed in the Agreement, and that proposal is currently under review.

On May 4, NHDES issued a comment letter pertaining to Addendum 14 that required SG to include all properties within the 'buffered areas' around other potential contamination sources for sampling, as well as all remaining properties within the CD Outer Boundary, in the next

Addendum due by June 3rd. SG responded with a proposed Addendum 15, which adds additional properties for sampling in Bedford and Hudson. That submittal is under review.

### Water Supply Well Sampling

SGPP presented a Work Plan for Residential Well Sampling and Fifteen Addenda to the sampling Plan relative to the 2019 AGQS.

Currently, Golder is retesting wells with PFOA results between 10 and 12 ng/L.

As of 4/19/22: [This has not been updated to reflect Addendum 15 proposed sampling]

3,691 properties identified for sampling (same as April report)

3,591 access agreements sent (Return Rate ~ 68%) (same as April report)

2,221 samples collected from water supply wells (29 more than April report)

975 properties offered bottled water (11 more than April report)

### Site Investigation

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

Remedial Action Plan due to NHDES 120 days after SG's consultant receives analytical results from the stormwater sampling

Groundwater management permit application due to NHDES by August 26.

### Rebate Program for Private Wells Impacted by PFAS Contamination

Goes to G&C and Fiscal Committee next week. Hope to have program launched by the end of the summer.

Brief presentation by Dr. Jonathan Petali re PFAS compounds not currently regulated by NHDES [see below]

### Air Division Update

On May 31, 2022, NHDES issued a Letter of Closure regarding the Letter of Deficiency sent to Saint-Gobain on November 18, 2021 regarding the installation and use of the emergency bypass stack. In the LOC, NHDES stated the following:

“Compliance with the LOD has been achieved for LOD Items 1-4, and 6, NHDES issues this Letter of Compliance for those items and provides notice to SGPP that Item 5 of the LOD is a requirement of the Permit and that NHDES disagrees with SGPP’s interpretation that bypass events do not qualify as excess emissions requiring permit deviation reporting. Please be advised that NHDES will continue to monitor SGPP's compliance status including the requirement to report permit deviations as per the requirements of Env-A 911.04(a); Condition VIII, Table 8, Item 7; and Condition IX.B. of the Permit. This letter does not provide relief against any existing or future violations and refers only to the compliance issues addressed in the LOD. NHDES reserves the right to pursue administrative fines or civil penalties for the violations noted in the LOD.”

This matter is still an open referral to the NH Attorney General’s Office.

Saint-Gobain has continued to submit monthly monitoring plan reports as required in TP-0256 and rainwater study results as required in the Consent Decree. These documents can be found at: <https://www4.des.state.nh.us/DESONeStop/AFSDetail.aspx?ID=3301100165> under the General Correspondence tab. The most recent monthly monitoring plan letter from Saint-Gobain is dated 5/12/2022. The most recent rainwater study letter is dated 4/29/2022 and reflects samples taken in April. Results indicate measurements were below detection levels for almost all PFAS analytes. For the Concord rainwater sample, 3 PFAS analytes were reported: PFBA (5.9 ppt), PFHxA (4.7 ppt) and PFPeA (2.1 ppt). For the Nashua sample, one PFAS analyte was reported (PFHxA at 2.6 ppt). For the Merrimack sample, 3 PFAS analytes were reported: PFHxA (8.0 ppt), PFBA (5.2 ppt) and PFPeA (3.8 ppt). NHDES discussed the last two months of rainwater data results with SGPP’s consultant Golder who is conducting the sampling. Golder acknowledged that during the March and April rainwater sampling events, the sampling team had expanded to 2 employees instead of the customary 1 employee deploying and preparing the sampling equipment. Golder is reviewing any issues with technique. Golder acknowledged that samples were consistent across all three locations in March and that there was an issue with HPFO-DA in the method blank for the April sampling round. NHDES has requested that Golder notify NHDES before the next sampling round in order to accompany them to the Merrimack and Concord rainwater sampling locations during deployment and collection.

On June 1, 2022, SGPP, through their consultant C.T. Male, submitted a permit renewal application for the devices covered by TP-0256. In accordance with the New Hampshire Code of Administrative Rules Env-A 608.02, Timely Applications for Issuance or Renewal of State Permits to Operate, applications for State Permits to Operate are due to NHDES 90 days prior to the expiration date of a device’s existing Temporary Permit. TP-0256 is scheduled to expire on August 31, 2022. NHDES will be completing a completeness review of the application within 30 days of receipt as required in RSA 541-A:29 Agency Action on Applications, Petitions and Requests.

Ms. Mesmer asked about the regulation of two additional compounds with the expiration of the temporary air permit. Mr. Wimsatt replied that they would be addressed in the permanent review. Ms. Mesmer commented about testing being performed in parts of the consent decree area that SGPP had previously denied responsibility for, and in those areas, many residents have paid for

their own testing and own treatment systems – is there a mechanism for reimbursement. Mr. Wimsatt advised that the areas in dispute have not been completely resolved. Individuals who are not offered alternative water by another responsible party will be eligible for the rebate program. Eligibility for rebates extends retroactively to September 2019.

With regard to the rebate program for private wells impacted by PFAS contamination, Mr. Wimsatt further advised that the \$5 million award from the Drinking Water Groundwater Trust Fund, previously approved by the advisory commission, is going before both Governor and Council and the Fiscal Committee next week. Provided that that is approved by both Governor and Council and the Fiscal Committee, NHDES hopes to be launching that program as promptly as possible and taking applications by the end of the summer.

Dr. Petali provided a risk assessment update. The EPA is in the process of setting MCL's for PFOA and PFOS. The Science Advisory Board provided feedback. Proposed levels will issue, and then be subject to the rulemaking process. The EPA will be issuing health advisories that will include PFBS and GenX. PFBS is expected to be in the 1000-2000 range, and GenX will be at a level comparable to the 4 compounds regulated in NH. The EPA is in the early stages of addressing PFHxA. Grouping tools are under review in the 2022-2024 timeframe for PFHxS, PFNA and PFDA.

Representative Rung asked if the EPA is looking at regulation of the class of compounds. Dr. Petali replied in the affirmative by means of the grouping tool. Ms. Mesmer asked about whether PFBA and PFHxA regulated in MA & VT was being looked at by NHDES. Dr. Petali replied that the half-lives were different and were difficult to lump in a risk assessment. Mr. Provencher asked PFBA toxicity. Mr. Petali replied that accumulation in lung and kidney tissue was being debated. Ms. Allen pointed out that the half-life may be lower, but exposure is steady. Mr. Petali responded that constant exposure is part of the risk assessment process. Representative Rung asked Mr. Provencher whether MVD was conducting its own tests. Mr. Provencher clarified that outside labs were used for well testing. Mr. Provencher asked whether each compound is evaluated individually or cumulatively. Dr. Petali advised that studies were conflicting regarding synergistic vs antagonistic effects.

Representative Mooney provided updates on HB 1546, HB 1547, and HB 1185 which await signature by the governor. HB 478 is in interim study by Senate recommendation. Filing periods for new legislation in the House are 9/6/22 – 9/16/22 and 11/9/22 – 11/22/22.

Ms. Mesmer provided an update of her conversation with Ms. Beahm regarding SGPP stack testing. Tests are performed once a year with the dates known by SGPP in advance. The current permit addresses only two regulated compounds. Stack testing indicates that not all compounds are destroyed by the RTO, and at least 19 compounds are emitted. Rainwater samples were analyzed for 24 PFAS compounds, and stack emissions were analyzed for 49 compounds. Ms. Mesmer indicated they should be testing for 180 PFAS compounds with external data validation. Ms. Costello asked Ms. Mesmer to share Ms. Beahm's responses with Commission members.

Dr. Bush provided a NHDHHS update. The cancer concern review team continues to meet. The comment period for ATSDR draft guidelines continues through 7/25/22. The AppleTree safe

places program is working with childcare providers to include free water testing for facilities with private wells. 75 facilities were identified. Representative Rung asked if the facilities included home childcare. Dr. Bush advised that home facilities serving 25 or fewer children were included. Dr. Bush indicated she would share the NHDHHS invitation letter and FAQ. Ms. Mesmer asked about residents outside of the town of Merrimack not being included in cancer studies. Dr. Bush indicated that the study area, time of exposure, and outcome to be studied would be subjects for further investigation, but no determination has been made.

Representative Rung announced that the Commission website was being updated with great thanks to Amy Rousseau. Ms. Allen commented on the lack of a representative from the town of Litchfield on the communications subcommittee. Representative Rung indicated that she would follow-up with Litchfield.

The next meeting date and time was set for July 8, 2020 at 10:00 am.

A motion to adjourn made by Senator Daniels and seconded by Ms. Murphy was unanimously approved.

Meeting adjourned at 11:00.

Meeting notes respectfully submitted by Chris Bandazian.